SUPREME COURT OF THE UNITED STATES.

No. 88.

ROMELIUS L. BAKER et al., APP'TS,

v.

JOSHUA NACHTRIEB.

APPEAL FROM THE CIRCUIT COURT UNITED STATES FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

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SUPREME COURT OF THE UNITED STATES.

ROMELIUS L. BAKER and JACOB HENRICO, Trustees and Elders, JOHN STAHL, JOHN SCHNABLE, ADAM NACHTRIEB, MATTHEW SCHOLLE, JOSEPH HOERNLE, JOHN EBERLE, and JONATHAN LENTZ, Elders of the Harmony Society, and ROMELIUS L. BAKER, Administrator of GEORGE RAPP, deceased, citizens of the State of Pennsylvania, Appellants,

v.

JOSHUA NACHTRIEB, a citizen of the State of Ohio, Appellee.

Appeal from the Circuit Court of the United States for the Western District of Pennsylvania, in the Third Circuit.

JOSHUA NACHTRIEB
v.
R. L. BAKER et al.

Among the rolls, records, and judicial proceedings of the Circuit Court of the United States for the Western District of Pennsylvania, in the Third Circuit, may be found the following words and figures, viz.:

Bill in Equity, filed July 18, 1849.

JOSHUA NACHTRIEB, a citizen of the State of Ohio,

v.

ROMELIUS L. BAKER and JACOB HENRICI, Trustees and Elders, JOHN STAHL, JOHN SCHNABLE, ADAM NACHTRIEB, MATTHEW SCHOLLE, JOSEPH HOERNLE, JOHN EBERLE, and JONATHAN LENTZ, Elders of the Harmony Society, and ROMELIUS L. BAKER, Administrator of GEORGE RAPP, deceased, citizens of the State of Pennsylvania.

No. 28, November Tm. 1849. July 18th, 1849, Subpœna issued, returnable to the first Monday (4th day), of September, 1849. July 25th, 1849, Subpœna returned served and cause docketed.

In the Circuit Court of the United States, for the Western District of Pennsylvania.

JOSHUA NACHTRIEB,
v.
ROMULUS L BAKER, and JACOB HENRICI, Trustees of the Harmony Society of Beaver County, Pennsylvania, and others.

No. 28 of November Term, A. D. 1849. In Equity.

The Bill. To the Honorable the Judges of the Circuit Court of the United States for the Western District of Pennsylvania, in Chancery sitting:

The Bill of Complaint of Joshua Nachtrieb, a citizen and resident of the State of Ohio, against Romulus L. Baker and Jacob Henrici, and others, citizens and residents of Beaver County, in the Western District of Pennsylvania, represents—

That in the year 1819, being about twenty-one years old, he became associated in Harmony, Indiana, with George Rapp and his associates, whose names are unknown, but who, when discovered Complainant prays may be made defendants to this Bill,—in a common and joint stock association for mutual benefit and advantage, and for the mutual acquisition and enjoyment of property, real, personal, and mixed.

That he continued a member of that association while it remained in Indiana, and afterwards removed with his associates to Economy, Beaver County, Pennsylvania, and remained there a member of said association until June, 1846, a period of about twenty-seven years.

That during that period he labored faithfully and diligently in the affairs and business of the association, devoting his time, skill, care, and attention thereto, and increasing the wealth and promoting the interest of the association.

That his skill, labor, and services to the association, during that period, were of great value, to wit: the annual value of two thousand dollars; and within the same period, the association increased in wealth, by the acquisition of property, real, personal, and mixed, and by profits arising therefrom, to a great amount, to wit: over two millions of dollars.

That your Complainant, during this period, received and acquired nothing from said association except his maintenance and the necessaries of life, of little value, not exceeding in value fifty dollars per year.

That in June, 1846, your Complainant, being then forty-eight years of age, and worn out with years and labor for said association, was wrongfully and unjustly excluded from said association, turned out of its possessions, and deprived of all share and participation in its property and effects, its benefits and advantages, by the fraud,

combination, and covin of said George Rapp and his associates, who, when discovered, Complainant prays may be made defendants hereto.

That at the time of said exclusion, your Complainant's just and fair compensation for his labor and services in behalf of said association, and his just and fair share and portion of the property and effects of said association, and profits thereof, amounted to a large sum, to wit: the sum of sixty thousand dollars,—from all which the said Rapp and his associates wrongfully and fraudulently excluded your Complainant, and appropriated the same to their own use, refusing, as they still refuse, to make him any compensation therefor, or to render him any account thereof.

Your Complainant represents that during the period aforesaid, and until his death, the said George Rapp was leader and Trustee of said association, and held the rights, property, and effects thereof, in his own name, but subject to certain trusts for the benefit of said association, under sundry Articles of Association, executed in Indiana and at Economy, in Beaver County, the date and purport whereof he cannot here set forth; but the same being in possession of the defendants, he prays that they may be required to produce and file them with their Answer.

That in the month of August, 1847, the said George Rapp departed this life, and that, since his death, Romulus L. Baker and Jacob Henrici, who are made defendants hereto, have been appointed Trustees of said association, for the management of its affairs, property, and estate; and Jacob Stahl, John Schnabel, Joseph Hoemla, John Eberly, Romulus L. Baker, Jacob Henrici and Jonathan Leng, who are made defendants to this Bill, with Adam Nachtrieb and Mathew Scholle, have been chosen Elders,—the said association being numerous, and by reason thereof, otherwise unable to manage and conduct its affairs. That said Romulus L. Baker is also administrator of the estate of the said George Rapp.

In consideration whereof, and as your Complainant is without plain and adequate remedy at law, and is only relievable in Equity, where matters of fraud, trust, and account are properly cognizable,—

Your Complainant prays a Writ of Subpœna against the said Romulus L. Baker and Jacob Henrici, and against the said Elders and the administrator of said Rapp, and their associates, when discovered, that they may full, true, and perfect answer make to all and singular the premises, and especially—

1st. That they may answer and produce all and sundry the Articles of Association, writings, and other papers made and executed by the said Rapp and his associates, since January, 1819, and any period prior thereto.

2d. That they may answer and set forth a schedule of all the property and estate, real, personal, and mixed, of or belonging to said

association during the period of complainant's membership, and at the time he ceased to be a member thereof.

3d. That they may set forth the names of the persons now belonging to said association, and the articles of agreement now in force between them.

That an account may be taken of the sum due to complainant for his labor and services in said association during the time he was a member thereof, and of the share he was justly entitled to in the property and estates of said association, and the profits accrued during his membership, and that the same may be decreed to him, or that he may have such other and further relief as the nature of his case and equity and good conscience may require, &c.

The Answer of Defendants.

The joint and several Answer of Romulus L. Baker and Jacob Henrici, and the other defendants, to the Bill of Complaint of Joshua Nachtrieb, the Complainant:—

The said defendants, saving to themselves and each of them, the advantage of all exceptions to the errors and imperfections in complainant's Bill of Complaint, for answer thereto, or to so much and such parts thereof as is material or necessary for them to answer, do severally answer and say, according to the best of their knowledge and belief—

That they admit, that the complainant was, at the date set forth in his Bill of Complaint, to wit, 1819, or thereabouts, a member of the association, called the Harmony Society, complained of, George Rapp and his associates, and then located at Harmony, in Indiana, the nature and objects of which association will be specifically and truly hereafter set forth in this Answer.

These defendants, further answering, say, that the said association removed from Harmony, in Indiana, to Economy, in Beaver County; and that the complainant continued to be a member thereof, at Economy, until June, 1846; and that, during the period mentioned in complainant's bill, with the exception of that interval in the latter part thereof, labored diligently in the affairs and business of the association, devoting such skill as he possessed, and his time, care, and attention thereto, and in increasing the wealth, and promoting the interests of the association, agreeably to the terms and spirit of their mutual compact, and in subservience to its spiritual and temporal objects, as hereinafter set forth and explained.

These defendants, further answering, admit, that said association has prospered in its temporal affairs; that its wealth is much increased, as might have been expected from its system of industry, economy, temperance, brotherly love, and entire dependence upon the Divine providence. From small beginnings, it is the owner of lands which are ample for the supply of subsistence, warm and com-

fortable houses for its members, divers labor-saving machines of great utility in diminishing manual toil, and is, in its circumstances, truly independent.

These defendants, however submit, that the value of the estate, real, personal, and mixed, belonging to said association, is a matter that cannot be legally and rightfully inquired into in this suit, as will appear from the facts, written agreements, and papers hereinafter stated and referred to; and they therefore decline answering the statement in plaintiff's bill, relative to the aggregate value of the property of the association, or the separate value of any part thereof.

These defendants, further answering, say, that the complainant, during the period of his membership in said association, enjoyed all the benefits, advantages, and comforts, individual, social, and religious, which were enjoyed by his fellow-members; all that were contemplated in forming the association, and to which he was entitled by the terms and spirit of their agreements, hereinafter referred to, and to which these defendants now refer as their justification in declining to make any answer to the complainant's allegation as to the precise value in money of what he received and acquired.

The complainant, at all times, except during the intervals of his disaffection and hostile conduct, which occurred shortly before his leaving the association, and which are above referred to, professed to be content and happy, and to regard the association as a true system of Christian life, superior to all others, and affording to him a measure of happiness which he could nowhere else obtain.

These defendants, further answering, admit, that in 1846, when the complainant left the association, and ceased to be a member thereof, he was forty-eight years of age; and if, as he alleges, he was worn out with years and toil—which these defendants do not admit—he was entitled to be maintained, cherished, and ministered unto by the association as abundantly and faithfully as if in the possession of full health and strength, one of the objects of the association being that of making old age comfortable and free from cares or the necessity of labor.

These defendants, further answering, deny that the complainant was wrongfully and unjustly excluded from said association, turned out of its possessions, and deprived of all share and participation in its property and effects, by the fraud and combination of George Rapp and others, his associates. On the contrary, these defendants aver, and are ready and prepared to prove, that the complainant, as will be hereinafter more fully shown, voluntarily, and of his own free will, separated himself from and abandoned said association.

The defendants, further answering, deny that the complainant, at the time he separated himself from and ceased to be a member of said association, or before or since that period, was or is entitled to any compensation for his labor and services, other than that which he received in his support, maintenance, instruction, and social and

spiritual advantages, while a member thereof. And in order that this part of defendants' answer may be more fully understood, and the true extent of the rights of the complainant, as a member of the said association, clearly and satisfactorily ascertained,

These defendants, further answering, state, that the association mentioned in complainant's bill, was originally, and still is, denominated the Harmony Society. It first received its form and organization in 1805. The causes that led to its formation were the existing state of society, and of the Christian Church, as well in America as in Europe; a conviction that it had been caused by a departure from the theory of common property and community of interests and of labor, set forth in the primitive Apostolic Church, and a firm persuasion that a return to the plan of said primitive Church would have the effect to promote the temporal and eternal happiness of all such as should embrace it. Impressed with these views, the Harmony Society was formed; many of its founders were poor—some had property, all of which was given absolutely to the association, and placed in the common fund thereof, to be used for the common benefit.

It was designed by the founders of the association that it should be permanent, and endure forever. No partition or distribution of the property of the association was provided for, and it was intended that none should ever be made.

On the 15th of February, 1805, the views and objects of the association were formally reduced to writing, in the German language, at Harmony, in Butler County, and said writing was signed by the then members of the association. These defendants annex a copy of said writing, translated into English, to their Answer, and pray that it may be received as part thereof.

The association continued to prosecute its business at Harmony, in Butler County, under and in conformity to the terms of their written agreement referred to, from its date, the 15th February, 1805, until of 1814–15, during which period the experiment of a Christian brotherhood, in the primitive form upon which they had entered, was found by the members to yield all the advantages and blessings which its founders had anticipated.

In 1814 and '15, the association left Butler County, and removed to the State of Indiana, and continued their Christian fellowship and prosecuted their business at Harmony, in said State, until their removal to Beaver County, in 1825, where it is now located. Whilst at Harmony, Indiana, the said association caused an agreement to be prepared, signed by the members thereof, and dated 20th January, 1821. This agreement was freely and voluntarily subscribed by the complainant, he being at that date of full age. These defendants annex a copy of said agreement, translated from the German, and make it a part of their Answer.

On the 9th day of March, 1827, at Economy, in said County of

Beaver, the then members of the association, after a long and intimate consultation together, caused a new agreement to be prepared, in which their views and purposes, and the terms of their union, brotherhood, and coöperation, should be set forth. Said agreement, after being read in the presence of the Complainant and the other members, and carefully considered by him and them, was voluntarily and deliberately signed by the Complainant. These Defendants annex to their Answer a copy of said agreement, and make it a part of their Answer.

On the 31st of October, 1836, the members of said association, the Complainant being one of them, in furtherance of their wishes for a more perfect community of property and mutual dependence on each other, and the better to secure the perpetuity of their institution, with the blessings it promised to each and all its members, entered into an agreement in writing, wherein, for the reasons stated in the same writing, they annulled and made void the sixth article of the said agreement of the 9th March, 1827, above referred to; which said agreement of the 31st October, 1836, was deliberately and voluntarily concurred in and subscribed by the said Complainant and the other members of the association. A true copy of said agreement is annexed to this Answer, and these defendants make it a part thereof.

The Reverend George Rapp, the proprietor and principal founder of the association, after exercising the arduous duties of Spiritual Teacher therein for upwards of forty-two years, on the 7th day of August, 1847, departed this life; and thereupon, the members of the association, in order to guarantee the perpetuity thereof and insure the blessings it had ever afforded to all who had shared its fellowship, did, on the 12th day of August, 1847, enter into an agreement in writing, a copy whereof is hereto annexed and made a part of this answer. Under the agreement last mentioned, in connection with former agreements recited or mentioned therein, the association has continued to carry on and conduct their temporal and spiritual concerns to the present time. A copy of the last-mentioned agreement is annexed to this answer, and made a part thereof.

For the purpose of facility in buying and selling real and personal estate, the title thereunto was vested in trustees, for the use and benefit of the Society.

The nature and objects of the trust are expressed in a declaration of trust made by Frederick Rapp, the 20th of July, 1825, which is referred to as a specimen or example of the manner in which the property of the association is held and enjoyed. A copy of said deed of trust is annexed to this answer, and made a part thereof.

Since the foundation of the Harmony Society, in 1805, in Butler County, many of its members have died while in the communion thereof; a large number of said decedents were aged men and women. They desired no distribution of their contributions to its funds, or of their supposed earnings, among their heirs-at-law, and they left no

will or testament. Frederick Rapp, long the manager of the temporal affairs of the association, a man of great ability and industry, died in 1834, intestate, and left no property.

In 1847, the Rev. George Rapp died intestate, and leaving no property. No member of the association, dying in the communion thereof, has left property for distribution under the intestate laws.

These Defendants, for further answer, say, that the Complainant came into the said Harmony Society when a child of about 9 years of age, he being the son of Frederick Nachtrieb, who at the same time became a member thereof, and is still a member. The said Complainant was cherished, fed, clothed, and educated by the association; and upon his obtaining full age, had, from experience and knowledge of the advantages it afforded, and the happiness it promised, from the time of his entering into full membership therein until within a short period of his secession therefrom, he was a decided supporter of its principles and its practices. In the spring or early summer of 1846, he became disaffected, used violent threats against the association, made repeated declarations of his intention to leave it, and on the 18th of June, without any constraint, and of his own free will, formally withdrew and separated himself from the association, receiving at the same time, from Geo. Rapp, two hundred dollars as a gratuity.

The manner of the Complainant's leaving the association, and the amount received by him in money, are shown in his receipt of the date last mentioned, a copy whereof is annexed to this answer, as a part thereof.

The Complainant, upon his leaving the association, took with him a considerable amount of movable property, the value of which is unknown to these Defendants.

They deny that any fraud, deceit, unfairness, or compulsion was used by the association, or any member thereof, against the said Complainant, whereby he was constrained to leave it.

These Defendants admit that under the organization of the Society, since the death of the Rev. George Rapp, John Stahl, and others named in Complainant's bill, became and still are trustees of the Harmony Society, agreeably to the articles of August, 1847.

These Defendants further answering, say, in reply to the first interrogatory in Complainant's bill, that they produce herewith and annex hereto all the articles of association, writings, and other papers executed by George Rapp and his associates since January, 1819, so far as they have any relation to the matter involved in this controversy; and if any other papers in their possession shall be deemed by the Court to be material, they will produce them.

These Defendants, referring to the facts hereinbefore set forth, and to the several agreements and papers annexed hereto and made a part of this Answer, submit to the Court and insist that the Complainant has no right in law or equity to an answer setting forth a

schedule of the estate, real, personal, and mixed, belonging to said association during the period of Complainant's membership and at the time he ceased to be a member thereof, as mentioned in Complainant's second interrogatory—and they decline answering said interrogatory.

In answer to Complainant's third interrogatory, these Defendants say that a copy of the Articles of Agreement referred to in said interrogatory are annexed to and make a part of this Answer. As to so much of said interrogatory as requires that the names of the persons now belonging to said association should be set forth, these Defendants, referring the Court to the facts hereinbefore stated relative to the structure and object of said association, and to the several written agreements and other papers annexed to and made a part of this Answer, submit to the Court and insist that they are in no way bound in law to answer the part of Complainant's interrogatory referred to—and they decline answering it.

These Defendants further insist that the said Complainant is not entitled in law or equity to any remuneration from the association for his labor and services while a member thereof.

And these Defendants severally deny all manner of combination and confederacy, without this, that there is any other matter in Complainant's bill material or necessary for these Defendants to make answer unto, and not herein or hereby well and sufficiently answered, confessed, traversed, and avoided or denied, all which they are ready to maintain and verify.

JACOB STAHL, JOHN SCHNABEL,
ADAM NACHTRIEB, JOSEPH HOEMLA,
MATHEW SCHOLLE, JOHN EBERLY,
R. L. BAKER, JACOB HENRICI,
JONATHAN LENG.

State of Pennsylvania, Beaver County, ss.

Before me, a Justice of the Peace in and for the County aforesaid, personally came R. L. Baker, Jacob Henrici, Jacob Stahl, John Schnabel, Adam Nachtrieb, Mathew Scholle, Joseph Hoemla, John Eberly, and Jonathan Leng, who, being duly affirmed, depose and say, That the facts set forth in the above and foregoing answer, are true.

Affirmed and subscribed, this 3d November, 1849.

JAMES SCOTT, Justice of the Peace.

BE IT HEREBY KNOWN, That to-day (20th January, 1821), in the year of our Lord one thousand eight hundred and twenty-one, the present agreement, treaty, and alliance, was made and concluded between us, the following persons, to wit: N. N. &c., of the one part, and George Rapp, and associates of the other part.

After the aforesaid persons became sufficiently acquainted with the

principles, rules and regulations of the community of George Rapp and his association, by virtue of their religious principles, they have, after long and mature reflection, and of their own free will, determined to join the community of George Rapp and his association, in Harmony, Jassey County, State of Indiana, to that purpose, the aforesaid persons bind themselves and promise solemnly, by these presents, to comply with the ordinances, rules and regulations of the community, and render due obedience to the superintendents ordained by the community, and to perform as much as possible all occupations and labors to which they are ordered, and help to promote the benefit, happiness and prosperity of the community.

And if the case should happen that the aforesaid persons, jointly or singly, after a short or long period of time, leave the community for any cause whatever, they hereby bind themselves jointly, and each for himself separately, never, and in no case, to bring any account, nor make any claim either against the association, or any individual member thereof, for the labor and services rendered: also, never to make any demand, ask or claim any other payment, under any name and description whatever; but will do and have done all things out of Christian love for the good and benefit of the community, or else take it as a gift, if George Rapp and his association willingly give them something.

However, George Rapp and his association, in return, adopt the aforesaid persons into their community, whereby they obtain prerogative to partake of all meetings for Divine services, by which they receive in church and school the necessary instructions requisite and needful for their temporal benefit and happiness, and eternal felicity.

George Rapp and his association bind themselves, further, to supply the aforesaid persons with all the wants and necessaries of life, to wit: meat, drink, clothing, &c., and, indeed, not only during their healthful days, but, also, if all or any of them get sick, or otherwise infirm and unable to work, they shall, as long as they remain members of the community, receive and enjoy the same support as before, during their better days, or as their circumstances may require.

In confirmation of these presents, we, both parties, have hereunto set our hands and seals. Done in Harmony the day and year above stated.

(Signed by Plaintiff and others.)

Copy of the Articles of Association, executed at Economy on March 9th, 1827.

Whereas, By the favor of Divine Providence, an association or community has been formed by George Rapp and many others, upon the basis of Christian fellowship, the principles of which being faithfully derived from the sacred Scriptures, include the government of the patriarchal age, united to the community of property adopted in the days of the apostles, and wherein the single object sought is to ap-

proximate, so far as human imperfection may allow, to the fulfilment of the will of God, by the exercise of those affections, and the practice of those virtues, which are essential to the happiness of man in time and throughout eternity;

And whereas, It is necessary to the good order and well-being of said association that the condition of membership should be clearly understood, and that the rights, privileges, and duties of every individual therein, should be so defined as to prevent mistake or disappointment on the one hand and contention or disagreement on the other;

Therefore, be it known to all whom it may concern, That we, the undersigned, citizens of Beaver County, in the Commonwealth of Pennsylvania, do severally and distinctly, each for himself, covenant, grant, and agree to and with the said George Rapp and his associates, as follows, to wit:

ARTICLE 1. We, the undersigned, for ourselves, our heirs, executors, and administrators, do hereby give, grant, and forever convey, to the said George Rapp, and his associates, and their heirs and assigns, all our property, real, personal, and mixed, whether it be lands and tenements, goods and chattels, money or debts due to us, jointly or severally, in possession, or in remainder, or in reversion, or in expectancy, whatsoever or wheresoever, without evasion, or qualification, or reserve, as a free gift or donation, for the benefit and use of the said association, or community; and we do hereby bind ourselves, our heirs, executors, and administrators, to all such other acts as may be necessary to vest a perfect title to the same in the said association, and to place the said property at the full disposal of the superintendents of the said community without delay.

ART. 2. We do further covenant and agree to and with the said Geo. Rapp and his associates, that we will severally submit faithfully to the laws and regulations of the said community, and will at all times manifest a cheerful and ready obedience towards those who are or may be appointed as superintendents thereof, holding ourselves bound to promote the interest and welfare of the said community, not only by the labor of our own hands, but also by that of our children, our families, and all others who now are, or hereafter may be, under our control.

ART. 3. If, contrary to our expectations, it should so happen that we could not render the faithful obedience aforesaid, and should be induced, from that or any other cause, to withdraw from the said association, then and in such case, we do expressly covenant and agree to and with the said George Rapp and his associates, that we will never claim or demand, either for ourselves, our children, or for any one belonging to us, directly or indirectly, any compensation, wages, or reward whatever, for our or their labor or services, rendered to the said community, or to any member thereof; but whatever we or our families jointly or severally shall or may do, all shall be held and considered as a voluntary service for our brethren.

ART. 4. In consideration of the premises, the said George Rapp and his associates, do, by these presents, adopt the undersigned, jointly and severally, as members of the said community, whereby each of them obtains the privilege of being present at every religious meeting, and of receiving not only for themselves but also for their children and families, all such instructions in church and school as may be reasonably required, both for their temporal good and for their eternal felicity.

ART. 5. The said George Rapp, and his associates, further agree to supply the undersigned severally with all the necessaries of life, as clothing, meat, drink, lodging, &c., for themselves and their families; and this provision is not only limited to their days of health and strength, but when any of them shall become sick, infirm, or otherwise unfit for labor, the same support and maintenance shall be allowed as before, together with such medicine, care, and attendance, and consolation, as their situation may reasonably demand. And if, at any time after they have become members of the association, the father or mother of a family should die, or be otherwise separated from the community, and shall leave their family behind, such family shall not be left orphans or destitute, but shall partake of the same rights or maintenance as before, so long as they remain in the association, as well in sickness as in health, and to such extent as their circumstances may require.

ART. 6. And if it should happen, as above mentioned, that any of the undersigned should violate his or her agreement, and would or could not submit to the laws and regulations of the church or the community, and for that or any other reason should withdraw from the association, then the said George Rapp, and his associates, agree to refund to him or them the value of all such property without interest, as he or they may have brought into the community in compliance with the first article of this agreement, the said value to be refunded in one, two or three annual instalments, as the said George Rapp, and his associates, shall determine. And if the person or persons so withdrawing themselves were poor, and brought nothing into the community, yet if they depart openly and regularly, they shall receive a donation in money, according to the length of their stay, and to their conduct, and to such an amount as their necessities may require, in the judgment of the superintendents of the association.

In witness whereof, and in testimony that the undersigned have become members of the said community, upon the conditions aforesaid, they have hereunto severally and each for himself set their hands and seals, on the 9th day of March, in the year 1827.

In presence of

JOHN HOPKINS &
CHARLES S. VOLTZ.

Agreement made and concluded this sixth day of March, in the year of our Lord one thousand eight hundred and thirty-two, between George Rapp and his associates, whose names are signed to this agreement, of the first part, and William Smith, Israel Bendel, Anthony Knapper, Michael Fontner, Matthew Kliem, Adam Schuele, Jacob Duer, John George Wagner, August Smith, Christian Smith, Benotus Zundal, and Christopher Miller, and their associates, whose names are signed to this agreement, of the second part.

Whereas, the parties of both parts have, for some time hitherto, lived together at Economy, in a community called "The Harmony Society," whose principles of association are set forth in written articles, signed by many of the parties to this agreement, and now in the hands of Frederick Rapp.

And whereas dissensions have arisen in said Society, threatening an interruption of that brotherly fellowship and confidence which ought to subsist among the members thereof; and it is thought advisable by all parties that a separation should take place, upon terms of mutual kindness and Christian liberality, whereby disputes and litigation will be avoided.

And whereas the party of the second part is composed of persons who have signed the article of association, and others who have not signed said articles, but who claim certain rights and privileges in the Society, which, for the purpose of a compromise, the parties of the first part have agreed to admit.

Now, therefore, the parties of the first and second parts, do jointly and severally covenant and agree with each other as follows:

1st. The parties of the second part do, for the consideration hereinafter mentioned, hereby jointly and severally, withdraw from the Harmony Society as established at Economy aforesaid, and will, from this date, cease to be members thereof; and they do jointly and severally for themselves, and for all persons claiming or to claim through or under them, grant, remise, and release, and quit claim unto George Rapp and his associates, parties of the first part, all their right, title, interest, and claim, in law or equity, in and to all the estate, real and personal, and mixed, belonging to the Society of George Rapp and his associates, or vested in any person or persons in trust for them.

They further release unto the parties of the first part, all claims or demands on account of deposits of money and property made in said Harmony Society, by each and every of them, or by their ancestors or relations; and they severally release to the parties of the first part, and to each of them, all actions and causes of action whatever, now or heretofore existing.

The real, personal, and mixed estate embraced in this clause, includes the land (upwards of three thousand acres), with the village

of Economy erected thereon, and other lands, tenements, leases or terms of years, in any part of the United States, held by George Rapp and his associates, or by any one in trust for them.

Also, the machinery of all kinds at Economy, or elsewhere, wool, stock in the manufactories, store goods, grain, cattle, sheep, horses, foundry, museum, paintings, drugs, books, surgical and musical instruments, implements of the Society, and all mortgages, notes, bonds, bills, accounts, stocks, and all other property of every description, wheresoever it may be, and whether enumerated or not.

To have and to hold to the said George Rapp and his associates, and to the heirs and representatives of their successors forever.

Provided, however, that the following articles, excepted from this clause, may be taken by the parties of the second part, and held as the property of those now in possession of them respectively, viz., one set of lancets, one set of tooth drawers, six medical books, and the privilege of receiving medicine, from time to time, to administer to the sick amongst the persons of the second part, during their stay in Economy.

Also, the bedding, and all the household furniture now used by the families belonging to the persons of the second part: also, certain tools, to be selected by Matthew Stunley and Adam Sheely, being a portion of the mechanical tools now in use by some of the persons of the second part. A present of money to Mrs. Wagner and Mrs. Bendel, amounting to sixty thousand francs, both of which presents are also excepted, and shall be paid by Frederick Rapp, according to the directions of John Hoover, of Honfleur, in France.

The parties of the second part do further covenant to warrant and defend the party of the first part, and each of them against all claims, demands, and suits, which may be made or instituted by any of the parties of the second part.

2d. The parties of the second part shall remove from Economy on or before the expiration of three months from the date of these presents, and, in the meantime, they shall be supplied with provisions and clothing as heretofore.

They shall also faithfully labor with and for George Rapp and his associates, under the direction of Frederick Rapp, or of foreman to be appointed by him, until they severally remove from Economy.

Provided, however, that the parties of the second part, or any of them, shall be at liberty to devote such reasonable time as may be necessary to make their arrangements of any kind, preparatory to their removal from Economy, as hereinbefore stipulated.

And the parties of the second part do hereby, individually and collectively, pledge themselves to prevent, as far as they can, the operation of any influence calculated to deprive the parties of the first part of the benefit of this compromise; and further, they will not themselves do (nor countenance in others) the commission of any act which may, by possibility, excite disaffection and disturbance, or in any way disturb the peace or quiet of the Society.

3d. The moneys, if any, which may have been received by persons of the second part, acting as foreman, shall be paid to Frederick Rapp.

4th. In consideration of the premises, the parties of the first part jointly and severally covenant, promise, and agree, that they will pay, or cause to be paid to William Smith, in trust for the parties of the second part, the following sums of money, viz. 1st. Thirty-three thousand one hundred and eighty-two dollars and eighty-four cents, to be paid at the time of the execution of these presents. 2d. The further sum of thirty-five thousand dollars, on or before the expiration of six months thereafter; and 3d. The further sum of thirty-five thousand dollars, on or before the expiration of one year from the date of these presents; the whole amounting to the sum of one hundred and five thousand dollars, deducting previously therefrom the sum of eighteen hundred and seventeen dollars and sixteen cents, being the amount of Frederick Rapp's claim against the Count De Leon, J. G. Van Heissen, and Anthony Zickwolff, upon which claim suit has been instituted against said defendants, in the Court of Common Pleas of Beaver County, and now satisfied and paid by said deduction.

To secure the payment of the two sums last mentioned, Frederick Rapp shall, at the time of making the first payment, give his promissory notes with endorsers, to be approved by the parties of the second part or their Counsel, payable to William Smith, in trust, as aforesaid.

The shares or proportion of the several persons interested in the three payments above mentioned, to be determined by the parties of the second part, as they may think proper, without any responsibility relative thereto attaching to the parties of the first part, or either of them.

5th. The criminal proceedings commenced by each party shall be discontinued, and the party complaining shall pay each their own costs.

All suits brought against Frederick Rapp, in Courts or before Magistrates, by any of the parties of the second part, shall be discontinued, and the plaintiffs and defendants respectively pay their own costs.

Frederick Rapp agrees to discontinue his suit in Beaver County against the Count De Leon and others, and releases to said Count and his suite, all debts, accounts and demands, of whatever kind, for moneys advanced or supplies furnished to them up to this date. The parties of the second part paying the costs of said suit last mentioned.

6th. The Count De Leon and his suite shall, on or before the expiration of six weeks from this date, leave Economy.

In case, however, any unforeseen difficulty should prevent all of said suite going at the time now fixed, a difference of two weeks beyond the six shall not be deemed a violation of this agreement. In the meantime, no rent to be charged for the houses now occupied by said Count and suite.

7th. The parties of the second part jointly and severally covenant

and agree with Frederick Rapp, that Jacob Wagner, Jacob Vaihanger, Joseph Goterba, Henry Young, George Reley, and Jacob Stahl, now, or formerly connected with the Harmony Society, shall release to Frederick Rapp and George Rapp, and his associates, all their respective rights, interests and claims in the real and personal estate of said Harmony Society, and all actions and causes of actions against said Society, or against George and Frederick Rapp.

8th. Any dispute as to the construction of this agreement, or as to matters inadvertently omitted, shall be determined by Walter Forward and T. B. Dallas, who in case of disagreement, shall call in a third person to decide between them, and the decision of the majority to be final and conclusive between the parties. .

In testimony whereof, the parties to this agreement have hereunto interchangeably set their hands and affixed their seals, the day of the year first above written, the parties of the first part signing their names in black ink, and those of the second part signing their names in red ink.

The foregoing indenture and agreement was this day signed, sealed and delivered in the presence of the undersigned witnesses.

[Signed by Plaintiff and others.]

T. B. DALLAS,
H. M. WATTS,
WALTER FORWARD,
CHAS. VON BONNHORST.

ECONOMY, 6th March, 1832.

City of Pittsburgh.

Before me, the subscriber and Alderman of said city, personally came T. B. Dallas, Esq., who, being duly sworn according to law, doth depose and say, That on the day of the date of this foregoing indenture, he was present at the town of Economy, in Beaver County, and he saw the persons whose names are subscribed as parties to said indenture, being in number three hundred and fifty-eight, sign, seal and deliver the same, as their act and deed respectively.

And this deponent did, at the same time, subscribe his name to said indenture, as a witness to its execution and delivery.

And deponent further saith, that, on the 10th day of March, 1832, he was present with William Smith and Frederick Rapp, or R. L. Baker, of Economy, in Beaver County, and the said William Smith subscribed, as trustee, the receipt annexed to the foregoing indenture.

And at the same time, this deponent subscribed his own name thereto as a witness, which receipt is in the handwriting of deponent, and its contents known by him to be true.

T. B. DALLAS.

Sworn and subscribed before me, this 31st day of July, A. D. 1832.

CHARLES H. ISRAEL,
Alderman.

Whereas, the Harmony Society, consisting of George Rapp and many others, now established in the town of Economy, in Beaver County, State of Pennsylvania, did, on the 9th of March, 1827, enter into certain articles of association, of which the 6th in number, is as follows, viz.:

And if it should so happen, as above mentioned, that any of the undersigned should violate his or their agreement, and would or could not submit to the laws and regulations of the church or the community, and for that or any other cause should withdraw from the association, then the said George Rapp and his associates agree to refund to him or them the value of all such property as he or they may have brought into the community, in compliance with the first article of this agreement, the said value to be refunded, without interest, in one, two, or three annual instalments, as the said George Rapp and his associates shall determine.

And if any person or persons so withdrawing themselves were poor, and brought nothing into the community, yet if they depart openly and regularly, they shall receive a donation in money, according to the length of their stay, and to their conduct, and to such amount as their necessities may require in the judgment of the superintendents of the association;

And whereas, the provisions of the said sixth article, though assented to at the time, manifestly depart from the great principle of a community of goods, and may tend to foster and perpetuate a feeling of inequality at variance with the true spirit and objects of the association;

And whereas, the principle of restoration of property, besides its pernicious tendency, is one which cannot now be enforced with uniformity and fairness, inasmuch as the members of the association, in the year 1818, under a solemn conviction of the truth of what is above recited, did destroy all record and memorial of the respective contributions up to that time;

And whereas continued happiness and prosperity of the association, a more intimate knowledge of each other, have removed from the minds of all members the least apprehension of injustice and bad faith;

Now, therefore, be it known by these presents, that we, the undersigned, with a view to carry out fully the great principles of our union, and in consideration of the common benefits to be derived therefrom, do hereby solemnly enter into covenants, and agree with each other as follows:

1st. The said sixth article is entirely annulled and made void, as if it had never existed; all others to remain in full force, as heretofore.

2d. All the property of the Society, real, personal, and mixed, in law or equity, and howsoever contributed or acquired, shall be deemed, now and forever, joint and indivisible stock. Each individual is to be

and agree with Frederick Rapp, that Jacob Wagner, Jacob Vaihanger, Joseph Goterba, Henry Young, George Reley, and Jacob Stahl, now, or formerly connected with the Harmony Society, shall release to Frederick Rapp and George Rapp, and his associates, all their respective rights, interests and claims in the real and personal estate of said Harmony Society, and all actions and causes of actions against said Society, or against George and Frederick Rapp.

8th. Any dispute as to the construction of this agreement, or as to matters inadvertently omitted, shall be determined by Walter Forward and T. B. Dallas, who in case of disagreement, shall call in a third person to decide between them, and the decision of the majority to be final and conclusive between the parties. .

In testimony whereof, the parties to this agreement have hereunto interchangeably set their hands and affixed their seals, the day of the year first above written, the parties of the first part signing their names in black ink, and those of the second part signing their names in red ink.

The foregoing indenture and agreement was this day signed, sealed and delivered in the presence of the undersigned witnesses.

[Signed by Plaintiff and others.]

T. B. DALLAS,
H. M. WATTS,
WALTER FORWARD,
CHAS. VON BONNHORST.

ECONOMY, 6th March, 1832.

City of Pittsburgh.

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T. B. DALLAS.

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Alderman.

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And if it should so happen, as above mentioned, that any of the undersigned should violate his or their agreement, and would or could not submit to the laws and regulations of the church or the community, and for that or any other cause should withdraw from the association, then the said George Rapp and his associates agree to refund to him or them the value of all such property as he or they may have brought into the community, in compliance with the first article of this agreement, the said value to be refunded, without interest, in one, two, or three annual instalments, as the said George Rapp and his associates shall determine.

And if any person or persons so withdrawing themselves were poor, and brought nothing into the community, yet if they depart openly and regularly, they shall receive a donation in money, according to the length of their stay, and to their conduct, and to such amount as their necessities may require in the judgment of the superintendents of the association;

And whereas, the provisions of the said sixth article, though assented to at the time, manifestly depart from the great principle of a community of goods, and may tend to foster and perpetuate a feeling of inequality at variance with the true spirit and objects of the association;

And whereas, the principle of restoration of property, besides its pernicious tendency, is one which cannot now be enforced with uniformity and fairness, inasmuch as the members of the association, in the year 1818, under a solemn conviction of the truth of what is above recited, did destroy all record and memorial of the respective contributions up to that time;

And whereas continued happiness and prosperity of the association, a more intimate knowledge of each other, have removed from the minds of all members the least apprehension of injustice and bad faith;

Now, therefore, be it known by these presents, that we, the undersigned, with a view to carry out fully the great principles of our union, and in consideration of the common benefits to be derived therefrom, do hereby solemnly enter into covenants, and agree with each other as follows:

1st. The said sixth article is entirely annulled and made void, as if it had never existed; all others to remain in full force, as heretofore.

2d. All the property of the Society, real, personal, and mixed, in law or equity, and howsoever contributed or acquired, shall be deemed, now and forever, joint and indivisible stock. Each individual is to be

considered to have finally and irrevocably parted with all his former contributions, whether in land, goods, money or labor; and the same rule shall apply to all future contributions, whatever they may be.

3d. Should any individual withdraw from the Society, or depart this life, neither he, in the one case, nor his representatives in the other, shall be entitled to demand an account of said contributions, whether in land, goods, money or labor, or to claim anything from the Society as matter of right. But it shall be left altogether to the discretion of the superintendent, to decide whether any, and if any, what allowance shall be made to such member, or his representatives, as a donation.

Invoking the blessing of God on this sacrifice of all narrow and selfish feelings to the true purposes of the association, and to the advancement of our own permanent prosperity and happiness, we have signed the foregoing instrument, and affixed thereunto our respective seals, at Economy, this 31st October, 1836.

Signed and sealed in presence of

CHAS. L. VOLTZ, [Signed by 391 members.]

WM. P. BAUM. [Signed by Plaintiff and others.]

WHEREAS, by the decree of God, the venerable patriarch and much-beloved founder and leader of the Harmony Society, George Rapp, has departed this life, whereby its members are deprived of his Christian fellowship and religious ministry, and of his superintendence in their temporal affairs; and whereas, in consequence of this deeply afflicting dispensation, it has become necessary to the good order and well-being of the association, that some plan should be agreed upon to regulate its future affairs, promote its general welfare, and preserve and maintain it upon its original basis;

Therefore, be it known to all whom it may concern, That we, the undersigned, surviving and remaining members of the Harmony Society, and constituting the same, do, severally and distinctly, each for himself, covenant, grant and agree, to and with all others thereof, and with those who shall hereafter become members, as follows; that is to say:

ARTICLE I. We do hereby solemnly recognize, re-establish and continue the Articles of our association (the 6th section excepted), entered into at Economy on the 9th day of March, A. D. one thousand eight hundred and twenty-seven, in the presence of John H. Hopkins and Charles L. Voltz, and the supplement thereto adopted at the same place, on the 31st day of October, A. D. one thousand eight hundred and thirty-six, in the presence of Charles L. Voltz and William P. Baum, except so far as the same are affected by the death of the said George Rapp, or hereinafter altered or modified; and to this extent we declare the said Articles to remain in full force.

ARTICLE II. We hereby ordain and establish a Board of Elders, which shall consist of nine members of the Harmony Society, and

their successors to be chosen as hereinafter provided. John Stahl, John Schnabel, Adam Nachtrieb, Matthew Scholle, Joseph Hoemla, John Eberly, Romulus L. Baker, Jacob Henrici, Jonathan Leng, shall be the first Board.

ARTICLE III. The Board of Elders shall have and receive the following powers, to wit:

1st. To regulate and manage exclusively the internal temporal concerns of the Harmony Society; to appoint and remove Superintendents in the several departments of industry; to make regulations and give orders in relation to their business operations, and generally to take care that the members perform their duties assigned to them.

2d. To determine all disputes and misunderstandings amongst the members of the Society; to advise, and, if necessary, to reprove any member who may be in fault, or found delinquent in his duty.

3d. To admit new members into the Society, and to expel them therefrom. New members when admitted, shall subscribe this agreement as the evidence of their membership, and of the rights acquired by, and the duties imposed upon them.

4th. To establish regulations for the maintenance and improvement of the morals of the Society, and for the instruction of its members.

5th. To appoint one or more of its members spiritual leaders and instructors, with such authority in relation to church discipline as shall be conferred by the Board.

6th. To remove from office any member of the Board of Elders, and to declare his seat vacated. Also, to remove from office either or both of the Trustees hereinafter appointed for the management of external affairs, and their successors in office.

7th. To fill all vacancies in the Board of Elders occasioned by death, resignation, removal from office of any of its members and their successors, and so as often as a vacancy shall occur; to fill all vacancies in the office of Trustees, when either or both of said Trustees, or their successors, shall die, resign his office, or be removed from the same, and so as often as a vacancy shall occur.

8th. The concurrence of six members of the Board of Elders shall be deemed the act of the Board, and a legal exercise of any of the powers hereinbefore conferred on the said Board.

9th. A record book shall be kept, in which the Board of Elders shall enter all proceedings that they shall consider of sufficient importance to be preserved.

In all controversies, judicial or otherwise, in which the Society, or any of its members, may be a party, such record shall be full and absolute evidence of the facts and proceedings therein contained; and the affirmation of any Elder shall be competent evidence of the identity of said record.

ARTICLE IV. We do further ordain and establish a Board of Trus-

tees, for the exclusive management of the external business and affairs of the Society, which Board shall consist of two persons who shall be members of the Board of Elders, and their successors, who shall be appointed as herein before provided. Romulus L. Baker and Jacob Henrici shall be the first Board of Trustees.

ARTICLE V. The said Trustees shall, jointly and severally, have and exercise the powers following, to wit:

1st. In their own names, or that of either of them, or otherwise, to purchase and sell, deal, barter, exchange and traffic, make all contracts and bargains in the prosecution of business; to invest the funds in stocks and other securities, and make transfers and assignments; to collect debts, receive and pay out monies, settle claims, compromise disputes, institute legal proceedings, appoint and dismiss agents, clerks and attorneys, in fact and at law, and generally to transact all the external business and affairs of the Society.

2d. To make donations to seceding and excluded members, and to the representatives of those who are deceased; and for such benevolent and charitable purposes as they may deem prudent and fit.

3d. The said Trustees shall have power jointly to purchase real estate in their own names; and also, in their joint names to grant, bargain, sell and convey all or any of the lands and tenements now or hereafter owned by, or belonging to the said Society; and for this purpose, to execute deeds of conveyance in fee simple, or otherwise, in their joint names. But the proceeds of all such sales shall be held in trust for the Society.

4th. For the purpose of providing an effectual and convenient remedy in law, for all injuries to the property of said Society, real and personal, by trespass, ouster, detention, conversion, or otherwise, the said Trustees are hereby invested with the rights of possession, entry and action in their own names, as fully, and to all intents and purposes, as do and may exist in the said Society.

And to effectuate this object more completely, and in consideration thereof, we grant and transfer to the said Trustees all such title and interest in the said property as shall be necessary therefor. The proceeds of all suits to be brought, shall be in trust for the Society.

5th. The powers hereby vested in the said Trustees shall extend to, and embrace all the property of the said Society, real, personal and mixed, whether standing or held in the name of the late Frederick Rapp, the said George Rapp, or in any other name or form whatsoever.

ARTICLE VI. It is hereby distinctly and absolutely declared and provided, that all the property, real, personal and mixed, which now or hereafter shall be held or acquired by any trustee or trustees, or person under them, is and shall be deemed the common property of the said Society; and each trustee now or hereafter appointed, hereby disclaims all personal interest in the present resources and

all future earnings of the Society, other than that of a member thereof, according to the articles of association hereby re-established and continued according to the present agreement.

In witness whereof, we, the undersigned, members of the Harmony Society, who constitute the said association, have to these articles, executed in English and in German, hereunto set our hands and seals, at Economy, in Beaver County, this twelfth day of August, A. D., one thousand eight hundred and forty-seven. Read over to, and signed and sealed by the several persons whose names are subscribed in the presence of us.

WM. P. BAUM.
FRANCIS L. GOULLON,
ANDREW BIMBER.

Beaver County, *ss.*

Before me, the subscriber, a Justice of the Peace in and for the said County, personally came all the persons, male and female, whose names are written and subscribed to the above and foregoing instrument of writing, being in number "two hundred and eighty-eight persons," and severally and respectively acknowledged the said instrument of writing as and for their act and deed, and the act and deed of every one of them, for the purposes therein contained, and desired that the same might be recorded as such.

And I do certify that in taking such acknowledgment, I did examine, separate and apart from their husbands respectively, the following named married women, parties to the said instrument of writing, to wit: Johanna Hunn, Margaret Kast, Catharine Stahl, Regina Hoofler, Eva Schnabel, Judith Beck, Regina Wigand, Barbara Schwarg, Maria Aigner, Barbara Deim, Elizabeth Schreiber, Johanna Stumpp, Elizabeth Schoenemann, Philena Henning, Catharine Forstner, Frederica Rein, Barbara Hahn, Elizabeth Liderer, Alvona Ehmann, Therena Hart, Dorothea Aigerter, Magdalena Blanc, and Justina Lawpple (in all "twenty-three" married women); and that on such separate examination, they, and every of them, being of full age, and the contents of the said instrument of writing having been fully made known to them by me, did declare, that they signed and sealed, and, as their act and deed, delivered, the said instrument of writing, of their own free will and accord, and without any coercion or compulsion on the part of their respective husbands.

In testimony whereof, I have hereunto set my hand and seal, this thirteenth day of August, A. D. one thousand eight hundred and forty-seven.

FRANCIS L. GOULLON. [L. S.]

Know all men by these presents: Whereas, Frederick Rapp, of Economy, in Beaver County, State of Pennsylvania, recently deceased, was for a series of years the agent in temporal affairs of the

Harmony Society, carrying on in his name all the external business of said Society, and taking to himself the titles to real estate as well as the evidence of claims arising out of the various transactions of said Society;

And whereas, by an instrument, dated the 20th July, 1825, under the hand and seal of said Frederick, he solemnly and irrevocably declared that all the property, real, personal, and mixed, which then was, or hereafter might be in his possession or enjoyment, or the title to which he then held, or might hereafter hold, was and should be considered the property of said Society, in which he, the said Frederick, had no absolute interest whatever;

And whereas, The lamented death of the said Frederick Rapp, renders it indispensable that a new agent should be appointed, by whom the temporal affairs of the Society may continue to be managed in a mode which has proved convenient and satisfactory:

Now, therefore, be it known, That we, the undersigned, constituting said Harmony Society, do hereby nominate and appoint George Rapp, of Economy, in the county of Beaver, the general agent of said Society in all its temporal affairs.

The powers intended to be conferred on the said George Rapp are hereby declared to be as follows, that is to say—

1st. To ask for, demand, and receive from each and every bank or other incorporated company, partnership, or individual person or persons, the amount which may be due therefrom, in the way of principal, interest, or dividend, to the said Harmony Society or to Frederick Rapp, whether the same be evident by judgment, mortgage, bond, certificate of stock, note, bill of exchange, deposit of money, book account, verbal promise, sale or barter, loan of money, or arise in any other manner whatsoever; the check, order, receipt, acquittance, or release of the said George Rapp to be as effectual as if executed by all and each of us, or as if it had been executed by the said Frederick Rapp in his lifetime.

2d. To execute and receive all deeds and conveyances in fee simple, or otherwise, on behalf of the Society, whether the title thereto stand in the name of the Society, or of Frederick Rapp, or of George Rapp and associates: the act of the said George Rapp relative thereto to be as valid and sufficient as if executed by us, or by the said Frederick Rapp in his lifetime.

3d. To carry on by himself, or through the agents whom he is hereinafter authorized to appoint, all the dealings and traffic of said Society, of every description.

4th. To constitute and appoint an agent or agents under him, as he may deem advisable, imparting to such substitute or substitutes, should he think fit, the whole or any portion of the authority hereby conferred on himself. He may also at his pleasure revoke such instrument of substitution, whenever he may think such revocation called for by the interests of the Society.

5th. It is distinctly understood, that in accepting and acting under this power, the said George Rapp disclaims all personal interest, other than that of a member of said Society, in the present resources or future earnings of the Society, in conformity with the principles and terms upon which the Harmony Society was originally founded, as fully and effectually as was done by the late Frederick Rapp in the instrument already adverted to, dated 20th July, 1825, the terms of which instrument the said George Rapp hereby adopts for himself, and repeats in every particular.

In witness whereof, the undersigned members of the Harmony Society, who constitute said Society, have hereunto set their hands and seals, at Economy, in Beaver County, this fifth day of July, in the year of our Lord, eighteen hundred and thirty-four.

[Signed by 402 members.]
[Signed by Plaintiff and others.]

Signed, sealed, and delivered in presence of
[L. S.] WILLIAM ALLISON,
JOHN NEELY.

Beaver County, *ss.*

On the day of the date of the foregoing instrument of writing, before me, the subscriber, a Justice of the Peace in and for said county, personally appeared the several persons whose names are subscribed thereto, being in number four hundred and two, and severally acknowledged the same to be their act and deed, for the purposes therein expressed, and desired that the same might be recorded as such; and I do hereby certify that the women having husbands at the time of the signing and sealing of said instrument of writing, were severally examined separate and apart from their said husbands, and that the full contents of said instrument were made known to them, and that upon such separate examination they did severally declare, that they did voluntarily and of their own free will and accord, sign, seal, and as their act and deed, deliver the same, without any coercion or compulsion of their said husbands.

In witness whereof, I have hereunto set my hand and seal, the said fifth day of July, A. D. 1834.

JOHN NEELY. [L. S.]

Beaver County, *ss.*

Recorded in the office for recording deeds, in and for said county, in deed book L, page 577.

Given under my hand, and seal of said office, at Beaver, this 7th day of August, A. D. 1834.

[L. S.] DAVID JOHNSTON,
Recorder.

Declaration on the part of Frederick Rapp, Agent of the Harmony Society.

Whereas, It has been found expedient, in order to facilitate the business of the Harmony Society, that a great amount of its real and personal property should be held in the name of Frederick Rapp, so as to avoid the delay and inconvenience of obtaining in each transaction the assent of the individual members of the Society;

And whereas, In order to guard against casualties to the said Frederick Rapp, it is desirable that there should be the most clear and unequivocal evidence of his qualified interest, as aforesaid:

Now, therefore, I, Frederick Rapp, of Beaver County, State of Pennsylvania, for the purpose aforesaid, do hereby solemnly and irrevocably acknowledge, testify, and declare, that all the property, real, personal, and mixed, which now is or hereafter may be in the possession or enjoyment of me, the said Frederick Rapp, or the title to which is or may be in my name, is held by me in trust and for the use of the said Society; and that I, my heirs, executors, administrators, and assigns will at any time convey and assure, make over and deliver up, all the said property, real, personal, and mixed, to the said Society, at such time or times hereinafter, and in such manner, as the Society shall require.

And although the title to the said estate has been made absolutely to me, so as to enable me, by my act and deed, to transfer a clear title to the purchaser without delay or embarrassment, yet, as between myself and the Society, the proceeds of any sale or exchange of such property are to be considered as subject to the terms of this trust, and to be accounted for accordingly.

And if there should be any doubt hereafter as to the true meaning of this instrument, I desire it may be construed so as best to effectuate the object which I have in view, namely, to disclaim all personal, absolute interest in the said property, real, personal, and mixed, and to declare the qualified fiduciary character in which my name has been employed in all sales, purchases, barters, exchanges, dealings, negotiations, and traffickings whatsoever.

In witness whereof, I have hereunto set my hand and seal this twentieth day of July, 1825.

FREDERICK RAPP. [L. S.]

City of Pittsburgh, *ss.*

Before me, the subscriber, an Alderman of said city, personally came Abisha Way, merchant, and being duly affirmed according to law, doth depose and say that he is well acquainted with the handwriting of the late Frederick Rapp, of Economy, in Beaver County, having often seen him write, and having received letters of business with his signature thereto. The name, Frederick Rapp, signed to

the foregoing instrument of writing is in the proper handwriting of the said Frederick Rapp, as deponent believes.

ABISHA WAY.

Affirmed and subscribed, this first day of July, 1834.

ROBERT CHRISTY.

On the same day and year last above-mentioned, personally came Benjamin Darlington, and being duly affirmed, says he is well acquainted with the handwriting of the late Frederick Rapp, of Economy, having often seen him write; that the name of Frederick Rapp, signed to the foregoing declaration of trust, is in the proper handwriting of said Frederick, as deponent believes.

BENJAMIN DARLINGTON.

Affirmed and subscribed before me, the 1st July, 1834.

ROBERT CHRISTY.

State of Pennsylvania, Allegheny County, *ss.*

I, Harvey H. Peterson, Prothonotary of the Court of Common Pleas in and for the County of Allegheny, in the Commonwealth of Pennsylvania, do certify, that Robert Christy, Esq., before whom the within depositions were taken, was at that time, and now is, an acting alderman in and for the City of Pittsburgh, with all the powers and authority of an acting Justice of the Peace in and for the County of Allegheny, duly commissioned and sworn, to all whose acts, as such, full faith and credit are due, and of right ought to be given, throughout the United States, and elsewhere.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this first day of July, 1834.

H. H. PETERSON,
Prothonotary.

Beaver County, *ss.*

Recorded in the office for recording of deeds, &c., in and for said County, in deed book L, page 576.

[L. S.] Given under my hand and seal of said office, at Beaver, this 7th day of August, A. D. 1834.

DAVID JOHNSTON,
Recorder.

Complainant's Evidence.

Interrogatories propounded to Elijah Lennox, George Shanbacher, and Eliza Sproat, on part of Complainant.

1. State your age and residence, and whether you are acquainted with the parties to this suit, and with George Rapp, late of Economy, deceased?

2. State whether you were members of the Harmony Society, at Economy, in Beaver County, in the year 1846, and how long before that time you had been members.

3. Did Joshua Nachtrieb, the complainant, belong to that Society? if yea, state how long you were acquainted with him as a member of the Society, and what work he carried on or was engaged in while a member, and how he conducted himself as a member of said Society.

4. When did he leave the Society, and what was the cause of his leaving it?

5. State fully all the circumstances that occurred in respect to his leaving the Society.

6. If ever there was any meeting of the Society upon the subject of his leaving, or if anything took place at any meeting of the Society in regard to his leaving. State what was said by any of the parties present.

7. State anything else that you know material to the question in controversy between the parties.

Defendants' Cross-interrogatories.

1. How old was Joshua Nachtrieb, the complainant, when he first joined the Society mentioned in complainant's third interrogatory? Were you a member when he joined said Society? Was he over ten years of age at that time?

2. Was he not supported by the Society during the time he was a member?

3. Were you present when he left the Society? If yea, state who else was or were present; in what mode he went away; who, if any one, went with him? Do you know, except from himself, what was the cause of his leaving the Society? if yea, state from whom you received such knowledge, and when.

4. If you state the circumstances that occurred in respect to complainant's leaving the Society, state when and where they occurred, what was said and done, and by whom?

5. Do you swear that there was any meeting of the Society on the subject of complainant's leaving the Society? If anything took place at any meeting of the Society respecting him, was it not after the usual meeting for worship on Wednesday evening? and if anything did occur respecting him, was it not a conversation respecting the propriety or impropriety of his conduct, in going on the Sunday before to meet and hold a consultation with certain persons from Phillipsburg, near the lower line of the Economy lands? Did not the complainant state upon that occasion, that if it (alluding to the occurrence before mentioned), had not occurred it would not occur again, or words to that effect? Did not Mr. George Rapp then say, in substance, that the matter need not be hurried, and that time should be taken to think of it; and did not the meeting then immediately break up and separate?

6. Did not Complainant leave Economy on the following day?

7. Where did you first join the Society aforesaid, and where did you leave it?

8. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matter in question in this cause? if yea, set forth the same fully and at large in your answer.

Deposition of Elijah Lennox.

Elijah Lennox, being duly cautioned and sworn, deposes and says:

To the first interrogatory: I was 45 years of age last March. My residence is now in New Castle, Lawrence Co., Pa. I am acquainted with the parties to this suit. I was acquainted with George Rapp, late of Economy, deceased.

To the second: I was a member of the Harmony Society, at Economy, in the year 1846; I had been a member of that Society ever since the year 1824.

To the third: Joshua Nachtrieb, the complainant, belonged to said Society. I was acquainted with him twenty-one years. I have known him ever since the year 1818 to be a member of said Society, up to the year 1846. He carried on farming from the time I knew him, until the year 1825 or 1826; then he was put to learn the hatter's trade; he continued in that trade until the year 1846. I never, for myself, knew of him misbehaving; he always behaved himself as a strict member of said Society.

To the fourth: He left the Society in 1846. He went and spoke a few words with his old acquaintances, and the Rapps and the Society would not allow that; and then they had him called up before a committee, and examined him there, and ordered him off. Nachtrieb said he was sorry for it, and they would have him go. They wanted the key of the hat maker shop, and complainant told Baker, "You have a key," and complainant went to his work again. That was all I heard myself. Nachtrieb plead to stay; they said, "No, we won't have you—you must go;" these were the words.

To the fifth: Nachtrieb, in the first week in June, 1846, was a juryman at Beaver. Three or four of his old friends saw him there, and wanted to talk with him and some more of his friends. They had lived before in Economy, and left, and got very little or nothing of property or money. They asked the old man Rapp for money, and he refused giving; he told them that the Society could not allow it. They wanted to talk with this said Nachtrieb and several other persons; they wanted to know whether Rapp had said anything to the Society or not, publicly. Nachtrieb told them that they would have to come up on Sunday to a certain place, in the bounds of the Economy lands, and a few would come down, if they would see proper. Joshua said he need not come down, because he knew all that

they wanted; the others concluded that they would go down and see them at said place, and tell them that they did not want to have anything to do with them. Rapp and the Society were afraid that said meeting was going to be a combination or a mob against the Society, which I know for certain was not so; and I know that said Society judged unjustly of the object of that meeting. Rapp sent out spies to see who had met the ones who had left before; and, on the next day, Monday, Joshua was called up before a committee, in Rapp's house, and examined; they would not listen to anything he said, and ordered him right off; he plead not to go, but they urged and ordered him to go. They wanted to take the shop key from him; he told Baker that he (Baker) had a key to the shop; there were two keys to the shop. After Joshua had been ordered off, he did not want to go, but went to work again; he continued at work again for several days, until they urged him off.

To the sixth: There was a meeting, but I was not present. I do not know what the object of the meeting was; it was a regular Wednesday meeting. I have now reference to the meeting at the church. The meeting at Rapp's house, on the Monday following the Sunday mentioned in my answer to the fifth interrogatory above, which I have already alluded to in said answer, was called on account of Joshua. When Rapp came into the meeting at his house, he said, "Now, let us give those offenders our judgment. Now," said Rapp, "Joshua, that is your fault; if you had kept your mouth, this would not have taken place." Joshua said something, which I do not remember, and the old man told him to put and leave the town. I mean the old man Rapp told him this. The rest of the committee approved of what the old man Rapp said at that time.

To the seventh: I know nothing else material to the parties.

In answer to the cross-interrogatories, said witness answers as follows:

To the first: I do not know; he was a young man when I came there. I was not a member when he joined said Society. I cannot tell what age he was; he was a young man when I came there.

To the second: Yes, sir, he was.

To the third: I was there, but was not present with him, when he left the Society; I cannot tell who else were present. As much as I know, he went away in a quiet manner; his wife went with him. The cause of his leaving was as above said; the cause of his leaving I know myself and heard myself. This was the time he was called before the committee.

To the fourth: I have stated the circumstances of his leaving in my examination in chief. When and where said things occurred, what was said and done, and by whom, I have fully stated in my examination in chief.

To the fifth: I swear there was a meeting of the Society on the subject of the complainant's leaving the same, by the committee

mentioned before. If there was a meeting of the Society at large, I was not present. I know nothing of the meeting in question on said Wednesday evening. As to the balance of said question, I do not know anything about the same.

To the sixth: He did not leave on Monday, but on Thursday or Friday following.

To the seventh: I joined said Society in 1825 or '26; I cannot tell exactly. I came to the Society as an orphan, bound to them in 1818, and stayed with them until I was twenty-one years of age; at that time I joined them as a member. I left said Society on January 19, 1846.

To the eighth—I do not know of anything more at present which would be material to said parties.

Deposition of Eliza Sproat.

Eliza Sproat, being first duly sworn, deposes as follows:

To the first interrogatory—I was 50 years of age on the 30th of March, 1850. I reside now in Salem, Ohio. I am acquainted with the parties to this suit, so far as they appear upon these papers; I am also acquainted with Christopher Keppler.

To the second—she says she was never a member of said Society.

To the third—Joshua Nachtrieb did belong to that Society; I was acquainted with him about twelve years; he was engaged in the hatting business; he was a correct member, and was always much respected in said Society. During the time Nachtrieb was at Economy, I lived within five miles of said Society.

To the fourth—He left the Society in the year 1846; I do not know the exact time in that year. I cannot tell what was the cause of his leaving, except from what I heard Christopher Keppler, one of the Society's prominent men, say, which was this; Mr. Keppler in conversation about Nachtrieb leaving said Society, said they (the Society), had a meeting in the church; that Nachtrieb plead to let him stay, but they would not. This was about two months after Nachtrieb left.

To the fifth, sixth, and seventh—She knows nothing further.

In answer to the cross interrogatories the witness answers:

To the first—I do not know how old he was. I never was a member of said Society.

To the second—I cannot tell.

To the third—I was not present when he left. I do not know who went with him. All I know about his leaving is what I have already stated above.

To the fourth—I don't know anything about the circumstances other than what Keppler told me, related above.

To the fifth—I don't know anything about the matters contained in this interrogatory.

To the sixth—I do not know.

To the seventh—I never was a member of said Society; I never left it.

To the eighth—I do not know any other thing material, as I recollect of.

Deposition of Andrew Shanbacher.

Andrew Shanbacher, being duly sworn, says:

To the first interrogatory—I am past 65 years of age. I live in Beaver Township, Mahoning County, Ohio. I am acquainted with the parties to this suit. I was acquainted with George Rapp, late of Economy, deceased.

To the second—I was a member of said Society in the year 1846. About thirteen years before 1846 I was a member of said Society; I mean during the thirteen years before 1846.

To the third—Yes; he was a member of said Society while I was. I was acquainted with him as a member of said Society for thirteen years. He was mostly engaged in the hat manufactory; sometimes he worked in the field. He conducted himself very decently and faithfully, so far as I know.

To the fourth—He left it in hay-making time, in the year 1846. He was ordered off; I heard Rapp order him off with my own ears. Rapp said, "Such a man I cannot use."

To the fifth—A few good friends came from Phillipsburg up to the Economy lands, on Sunday; the complainant and a few others went out from the village and met those who had come from said Phillipsburg. This made Rapp angry. On the next day, being Monday, a committee met at Rapp's house; among the committee were some of the "Vorstehers," which means Trustees or something of that kind; others of the Society were present, such as were generally sent out to watch. I was not present at this meeting, but I understood that it was about Nachtrieb, and perhaps two others, who had been out with him. On the following Wednesday there was a meeting of the whole Society, in the evening. It was customary at the Wednesday evening meetings to attend to business after sermon. I was present at that Wednesday evening meeting. At that meeting Rapp brought up this matter of Nachtrieb, as I understood it. Rapp charged him with trying to get up a conspiracy or combination to destroy the Society. Rapp was the main spokesman; he pronounced the judgment that Nachtrieb should leave the Society. Nachtrieb then got up and said,—"Father Rapp, I am sorry I have done anything wrong; if I had known it to be wrong I should not have done it." The answer was, "We cannot use such men; you must leave the Society." I do not know how soon he left, but it was very shortly after. There was nothing else brought up at that meeting against Nachtrieb, except that he had met those men from Phillipsburgh.

To the sixth—I know of no other meeting concerning the Nachtrieb matter except the one above mentioned.

To the seventh—I know nothing else that would be material to the parties.

In answer to the cross-interrogatories, said witness answers:

To the first—I cannot tell how old he was. He was there a long time before I joined. I was not a member when Nachtrieb joined the Society. Do not know how old he was when he joined; but he was a young man when he joined.

To the second—He was.

To the third—I was present when he left the Society. I cannot rightly remember who else were present. He left unwillingly, and in a sorry manner. Catharine Hasser went with him. I know that he was compelled to leave, and I have stated already how and from whom I came to know it.

To the fourth—I have stated all the circumstances already as to his leaving; I have already answered all this, and cannot tell or state anything further.

To the fifth—Yes; the committee met as before stated, and prepared the matter for the meeting on Wednesday after the religious meeting. It was not a conversation—it was earnest, it was determined. It was fixed upon that he should leave. His meeting with the men from Phillipsburgh was brought up against him, and for that he was sent off. Nachtrieb said he was sorry; if it had not occurred, it should not occur again. But it made no difference; the words were, "You must be off." Did not hear Rapp say time should be given, or that the matter should not be hurried. I was there until the meeting broke up.

To the sixth. I do not know, but I do not think he left next day. He did not leave until a few days after it was pronounced that he should leave.

To the seventh. I joined the Society in 1833, and left it in 1848. I was there on probation for one year, to wit, 1833, and became a member in 1834.

To the eighth. He knows nothing material to the parties other than stated.

Deposition of Andrew Getz.

I am acquainted with the parties to this suit. I was a member of the Harmony Society at Beaver County, and left it in '37. In 1846, I had a conversation with the defendant, Baker, at Phillipsburgh. It was in July or August, 1846. It was opposite Phillipsburgh, on this side of the river. Mr. Baker had some conversation with me. We went into Squire Bloss's tavern; we then drank brandy, and there Mr. Baker asked Bloss if he had a room to speak some things in; there he gave us a room; Baker and myself were the only persons in the room; Baker said, "Now we got Joshua Nachtrieb off brave." I replied, "If I was along with him, you would not get me off in that way." Nothing else said at that time upon this matter.

To the sixth—I do not know.

To the seventh—I never was a member of said Society; I never left it.

To the eighth—I do not know any other thing material, as I recollect of.

Deposition of Andrew Shanbacher.

Andrew Shanbacher, being duly sworn, says:

To the first interrogatory—I am past 65 years of age. I live in Beaver Township, Mahoning County, Ohio. I am acquainted with the parties to this suit. I was acquainted with George Rapp, late of Economy, deceased.

To the second—I was a member of said Society in the year 1846. About thirteen years before 1846 I was a member of said Society; I mean during the thirteen years before 1846.

To the third—Yes; he was a member of said Society while I was. I was acquainted with him as a member of said Society for thirteen years. He was mostly engaged in the hat manufactory; sometimes he worked in the field. He conducted himself very decently and faithfully, so far as I know.

To the fourth—He left it in hay-making time, in the year 1846. He was ordered off; I heard Rapp order him off with my own ears. Rapp said, "Such a man I cannot use."

To the fifth—A few good friends came from Phillipsburg up to the Economy lands, on Sunday; the complainant and a few others went out from the village and met those who had come from said Phillipsburg. This made Rapp angry. On the next day, being Monday, a committee met at Rapp's house; among the committee were some of the "Vorstehers," which means Trustees or something of that kind; others of the Society were present, such as were generally sent out to watch. I was not present at this meeting, but I understood that it was about Nachtrieb, and perhaps two others, who had been out with him. On the following Wednesday there was a meeting of the whole Society, in the evening. It was customary at the Wednesday evening meetings to attend to business after sermon. I was present at that Wednesday evening meeting. At that meeting Rapp brought up this matter of Nachtrieb, as I understood it. Rapp charged him with trying to get up a conspiracy or combination to destroy the Society. Rapp was the main spokesman; he pronounced the judgment that Nachtrieb should leave the Society. Nachtrieb then got up and said,—"Father Rapp, I am sorry I have done anything wrong; if I had known it to be wrong I should not have done it." The answer was, "We cannot use such men; you must leave the Society." I do not know how soon he left, but it was very shortly after. There was nothing else brought up at that meeting against Nachtrieb, except that he had met those men from Phillipsburgh.

To the sixth—I know of no other meeting concerning the Nachtrieb matter except the one above mentioned.

To the seventh—I know nothing else that would be material to the parties.

In answer to the cross-interrogatories, said witness answers:

To the first—I cannot tell how old he was. He was there a long time before I joined. I was not a member when Nachtrieb joined the Society. Do not know how old he was when he joined; but he was a young man when he joined.

To the second—He was.

To the third—I was present when he left the Society. I cannot rightly remember who else were present. He left unwillingly, and in a sorry manner. Catharine Hasser went with him. I know that he was compelled to leave, and I have stated already how and from whom I came to know it.

To the fourth—I have stated all the circumstances already as to his leaving; I have already answered all this, and cannot tell or state anything further.

To the fifth—Yes; the committee met as before stated, and prepared the matter for the meeting on Wednesday after the religious meeting. It was not a conversation—it was earnest, it was determined. It was fixed upon that he should leave. His meeting with the men from Phillipsburgh was brought up against him, and for that he was sent off. Nachtrieb said he was sorry; if it had not occurred, it should not occur again. But it made no difference; the words were, "You must be off." Did not hear Rapp say time should be given, or that the matter should not be hurried. I was there until the meeting broke up.

To the sixth. I do not know, but I do not think he left next day. He did not leave until a few days after it was pronounced that he should leave.

To the seventh. I joined the Society in 1833, and left it in 1848. I was there on probation for one year, to wit, 1833, and became a member in 1834.

To the eighth. He knows nothing material to the parties other than stated.

Deposition of Andrew Getz.

I am acquainted with the parties to this suit. I was a member of the Harmony Society at Beaver County, and left it in '37. In 1846, I had a conversation with the defendant, Baker, at Phillipsburgh. It was in July or August, 1846. It was opposite Phillipsburgh, on this side of the river. Mr. Baker had some conversation with me. We went into Squire Bloss's tavern; we then drank brandy, and there Mr. Baker asked Bloss if he had a room to speak some things in; there he gave us a room; Baker and myself were the only persons in the room; Baker said, "Now we got Joshua Nachtrieb off brave." I replied, "If I was along with him, you would not get me off in that way." Nothing else said at that time upon this matter.

Cross-examined. Mr. Baker commenced asking me about Nachtrieb. I was a member of the Society from 1817, to the time I left it.

Jacob Marshall, sworn. I was a member of the Society at Economy, in '46; I left it six weeks, or thereabouts, after the complainant. There was a meeting on Wednesday, in the evening, for worship, us usual; it was the last Wednesday evening meeting before Nachtrieb left; I was present at the meeting; after the meeting for worship and singing was over, then, before the persons went out of the church, Henrici reminded Mr. Rapp of Joshua Nachtrieb's case. Then Mr. Rapp said that Nachtrieb had been down to talk with his brother-in-law. Mr. Rapp asked whether they could use such persons as talked to persons who had separated from them. Rapp inquired whether they could have such men any longer with them. He inquired of the Society, and they answered, "No." Rapp then said, "You know, then, what you had to do." This was said to Nachtrieb. Nachtrieb then rose and said, "If it had not happened, it should not again happen; that is all I can say." I then left the meeting; the meeting broke up then; there was nothing further said about the matter; it was a numerous meeting; the whole Society, nearly, was present.

Cross-examined. I did not hear Mr. Rapp say, in reply to Nachtrieb's remark (that 'if it had not happened it would not happen again,') that there was no hurry about it; he might take his time. I understood Mr. Rapp to say, there were others to whom Nachtrieb had talked; but he only named his brother-in-law.

Theama Kast, sworn. I was a member of the Harmony Society in 1846; I have been there from my youth up; came there as a child in 1806; I continued a member till 1849; I was there shortly before complainant left. On Wednesday evening there was a meeting held; this meeting was about a week before complainant left; I was present at that meeting; we first had worship; it was a numerous meeting; after the worship was ended, George Rapp inquired publicly, whether Joshua Nachtrieb was present; thereupon Nachtrieb rose and answered, "Yes." Mr. Rapp then remarked that something had occurred; that Nachtrieb and some others had gone down several miles, but still upon our land, and that Phillipsburghers had come up, and that they had talked together. Mr. Rapp then said that they, to wit, the Economites, had settled upon it that Nachtrieb must leave. Nachtrieb then said, Father, it should not again happen, if it had not happened. Rapp then, thereupon, turned toward the female portion of the congregation, who sat by themselves, and replied, No, thy Father, too, does not want you any more. Rapp then gave some sign or wink, after which the congregation dis-

persed. I heard of no other charge upon that occasion, nor at any other time, against Nachtrieb, excepting that he and several other members had met some persons from Phillipsburg, as above stated. I do not know whether Rapp used the words, "The Council," or whether he said we have made it out, or settled it, that Nachtrieb must leave. The religious meetings usually took place on Wednesday evening, and it was usual to transact business after the meeting. Rapp did not put it to vote to the meeting, whether Nachtrieb should leave or not; he only mentioned the result of what they had determined.

Cross-examined. I did not hear Rapp saying, when Nachtrieb said "Father, if it had not happened, it should not happen," there was no hurry; you may take your time. He made no other reply than the one I have already given.

Direct examination resumed. The largest portion of the members of the society were present at the meeting.

Anthony Kast, sworn. I have been a member of the Society at Economy since my youth; I was a member about thirty years; I was there in '46; I left the Society in '49; I was present, and a member of the meeting which took place in the summer of '46, a few days before Nachtrieb left; it was a meeting for worship, on Wednesday evening; after worship was over, George Rapp arose and inquired whether Joshua Nachtrieb was present. All present at meeting remained; when Rapp made that inquiry, he stood in the pulpit; Nachtrieb arose and said he was present; Rapp then said that something had occurred that week with Nachtrieb; Rapp said that Nachtrieb, with several other members of the Society, had gone down several miles, and had talked to some of their friends from Phillipsburg; Rapp then said that Joshua Nachtrieb must leave the Society; Nachtrieb replied that it should not again happen, if it had not happened; Rapp then looked towards the families of the congregation, and said, "No, thou must be off; thy Father, too, don't want you any longer." This was the last; he then waived his hand, the usual sign for the Society to disperse, and the meeting separated; all the leading members of the Society were present; Rapp remained in the pulpit till the meeting dispersed; no other business was transacted on that evening; the main business of the meeting, after worship, was to announce or declare that Nachtrieb must leave; it was usual to have business meetings after worship; Rapp made no other reply to Nachtrieb's remark, excepting, "No, you must be off; your Father, too, don't want you."

Cross-examined.—I do not know when Nachtrieb and the Phillipsburgers went; nor do I know what the object of their consulting together was: I was not present. I did not hear Rapp say, when Nachtrieb said, If it had not happened it should not happen, that there was no hurry; he might take time to think of it.

Joel Swortz, sworn.—I was a member of the Society. I was born in Economy, and left it in 1847. I am twenty-two years of age. I was present at the meeting which took place on Wednesday evening in the summer, about June, 1846. The meeting took place on Wednesday evening, and Nachtrieb left there on Thursday or Friday after the meeting. At that meeting all that belonged to the Society that could attend were present. We first had worship, as was usual, on Wednesday evening. Mr. George Rapp preached. After the worship was over, and the people about to leave, Henrici got up and said to Rapp, "There was something to be said." Rapp was in the pulpit. Rapp said that something had taken place recently, which was this—that Joshua Nachtrieb, and several others, had gone down the river, and had conversed with a few of their friends from Phillipsburg; and that Joshua Nachtrieb must now leave the Society; that they could not have such men, as would have anything to do with such men as lived further off from the Society. Rapp then inquired of the Society whether they were agreed with him, and they replied, "Yes." Nachtrieb then got up and said, If it had not happened, it should not happen again. Rapp said, Your Father, too, don't want you any longer. He said to the Society, Now Joshua knows what he has to do; he must prepare now to leave. Mr. Rapp gave the usual sign of dismissal, and the meeting dispersed. No other business was transacted. The only business transacted, was to announce that Nachtrieb must leave.

George Frank, sworn.—I am a brother-in-law of complainant. In 1846, I lived at Phillipsburg. I was a member of the Society at Economy from 1805 to 1832, when I left with Count Leon. I was present at the meeting between Joshua Nachtrieb, and other members of the Economy Society. There were two from Economy at first—Nachtrieb and Lennox. After we went down there were several others from Economy joined us, and there were three from Phillipsburg—Jacob Waggoner, John Miller, and myself; others came up in a skiff from Phillipsburg, that we might go home, and one of them, Getz, joined us. This meeting took place on Sunday afternoon, in June, '46. The object of our meeting together was this. In April, there was a meeting held in Phillipsburg, to send up three delegates to Economy, and to know from the Society whether they would do anything with them that left them, and never did get anything. I was not with the delegates, and know nothing of it, except hearsay. It happened that Mr. Nachtrieb was a juryman at the June Beaver Court, and we appointed that Sunday to meet. We wanted to know what the Society was willing to do, as them three had no satisfaction. This meeting took place on the land of the Society. The reason we met there, was because he said it was against the rules of the Society to go off the land on Sunday. It was a public place that we met at, on the river bank above Legionville. We had no other object

in meeting, than to ascertain whether the Society was willing to do anything for those who left the Society, and had never got anything. My brother was one of the delegates, and had left them, and got nothing. My brother said he got forty or fifty dollars.

Jacob Wagner, sworn—I am acquainted with the parties to this suit. I reside in Phillipsburg, Beaver County, Pennsylvania. I have been a member of the Economy Society, from the year one thousand eight hundred and five till thirty-two. The plaintiff was a member during the whole of that time. I believe Nachtrieb (plaintiff) left Economy in forty-six or forty-seven. My parents came with the original stock from Germany. I was quite a child then. I was thirty-two years of age when I left the Society.

Question 1. (By Mr. Umbstaetter.) State whether, during the time that you were a member of the Economy Society, any rules or regulations were adopted by the Society?

Answer. No, sir.

Question 2. If any rules existed, by whom were they made, and how?

Answer. They were made by old George Rapp himself. The rules were just made by old Rapp's arbitrary will, just as they suited him. There never were any rules laid before the community, or any vote taken upon them, to get the consent of the Society. I was present at a meeting in Legionville, in June, forty-six, at which Joshua Nachtrieb was present. From Phillipsburg, John Miller, George Frank, and myself, were there. George Miller, at that time, resided in Bridgewater, where he still resides. Joshua Nachtrieb, Elisha Lennox, and Gideon Rall, were present from Economy. The object of the meeting was this: The week previous, Nachtrieb was one of the jurors at Beaver Court. During that week he came over one morning very early to his brother-in law, George Frank, to visit him. I happened to come to George Frank's house, and saw Nachtrieb there. During the course of conversation I asked Nachtrieb whether Rapp or the Society had done anything in regard to a committee that was sent up two months previous. This committee had been sent up by a number of seceders, or members of the Society that had left the Society and never got any compensation or wages for their labor. All the satisfaction the committee could get was, that the Society would take the matter into consideration, and give them an answer in future. As the committee never could get any answer, I then took the opportunity of putting the question above to Nachtrieb, whether the Society, or Rapp, had done anything in it or not. Then Nachtrieb told me he could not answer to that now, as the time was too short—that the court bell would soon ring from Beaver. But if some one of us would come up part of the way on Sunday, that he would come down part of the way. George Frank and myself agreed to meet them there, and we invited John Miller to go along as company. So we went up and met those above named,

at Legionville. It was a private meeting altogether, and took place under the shade of a tree on the bank of the river, on the land of the Economites. There was no other object connected with that meeting, except what I have already stated, to find out what the Society did in regard to the application of the committee from Phillipsburg. The meeting was rather above Legionville; it was at a public place, not on the highway, but where the people of Economy were passing back and forward.

When I first knew the complainant in the Society, he was learning the business of a tanner. As he grew a strong man, Rapp put him to drive a team. Then Rapp found he could put more confidence in him, and a few years after this he put him to the hatter business. He was then acting as the boss or foreman of the hatter shop for a long time—till I left the Society, anyhow.

Question. (By Mr. Umbstaetter.) While the complainant was in the Society, what was his conduct as to industry, correct deportment, and observance of the rules and interests of the Society?

Answer. He always was considered a very industrious, true and faithful and good-charactered member of the Society. That was his reputation in the Society.

Question 4. State what, in your opinion, the services rendered by complainant to the Society were worth, from the time he was twenty-one years of age, up to the time he left Economy?

Answer. I should think his services were worth to the Society from six to eight hundred dollars a year. I think he was there twenty-one or two years after he became of age.

Question 5. State whether you had the means of knowing how much the property of the Society was worth, at and before the time you left it?

Answer. I think I had some means of knowing what the Society was worth, enough, I think, to form an opinion.

Question 6. State what, in your opinion, the value of the property of the Society was, at the time you left it, and what it is at present?

Answer. At the time when I left the Society, my candid opinion was, that the Society were worth nothing less than ten millions of dollars. Whether the Society has gained anything since that time or not, I could not answer to that.

Question 7. What was the rule as to marriages among the members?

Answer. It was not allowed them to marry at all—even not married people to live together as married people do.

Question 8. Suppose two persons wanted to marry, were they permitted to remain in the Society, or compelled to leave it?

Answer. They were compelled or forced to leave the Society.

Question 9. By whom were they compelled to leave?

Answer. By Rapp.

Question 10. What was the consequence of disobeying those rules of Rapp, as taught by him both in this world and the world to come?

Answer. In one case in particular, I was called there as a witness in Rapp's house, along with several others, when one of the young members was called to Rapp's house, that had transgressed the rule of Rapp, or rather had talked to one of the girls about marrying her. Rapp gave him a most tremendous scolding, and told him if he ever should talk to the girl again, that he would have to take his bundle or his knapsack, and that he then, as the priest of the Society (meaning Rapp), would heap all the sins he had committed, upon him, and by that means he would be damned to all eternity. The young man then begged pardon, not to be compelled to leave the Society. Rapp then told him that he would give him grace or pardon once more, but if he should get to hear that he had any conversation with the girl, that he would let his power or violence loose against him—that he would mash him up to a hundred pieces himself, and tramp on him with his feet. The young man promised obedience to Rapp's rule, in the name of God, and we were dismissed. Afterwards the young man left and was married. Anybody that would come up and talk against Rapp's rules, he Rapp said, would be committing the sin against the Holy Ghost, and such a sin could not be forgiven in this world or in the other world.

Question 11. State what you may have heard any member of the Society say about Joshua Nachtrieb being ordered away. If so, what was said, by whom, and under what circumstances?

Answer. A short time after the first depositions were taken at Mr. Brady's office, I came up on the steamboat from Beaver to Pittsburgh. Three members of the Society came aboard of the boat at their landing. After talking about various things, we began to talk about the depositions which had been taken at Mr. Brady's office. I talked with Jonathan Lutz, one of the committee of the Society, to regulate its business. Among other things, I told him that to my judgment the evidence the witnesses of Nachtrieb had given, didn't amount to much. Then he stated, I don't know about that, but I know they didn't say the whole of it. Then I asked him, why? And he said that was it, sure enough, Nachtrieb was compelled to leave the Society; but the witnesses didn't state the reason why that Nachtrieb had to leave. Then I stated, as to that, I don't know how that was; but you admit that Nachtrieb was compelled to leave anyhow, by some reason. Then he said, Well, that is not my business; I will have nothing to do with it; and walked off, and didn't say anything more on the subject.

Question 11. State whether you are acquainted with John M'Donald, who has been examined as a witness in this case?

Answer. I have been very well acquainted with him during the whole time I lived at Economy, and ever since the time I left there.

Question 12. State what conversation you have had with said John M'Donald, if any, about Nachtrieb being compelled to leave Economy, and what M'Donald said about it?

Answer. A few weeks after Nachtrieb was compelled to leave the Economites, or the Society, I came up to John M'Donald, on some business. After we had closed our business, I asked him whether he knew that Nachtrieb had to leave the Society. He stated that he does, and stated further, that it was very unjust to force Nachtrieb away from their Society, for the mere trifling cause that he talked to his brother-in-law, myself, and Miller. Then, as we were talking, I stated that Nachtrieb was quite a nice man. M'Donald replied, So he was; he was a gentleman in every respect, and he was one of the most useful members of the Society, and that it was very unjust indeed that he was compelled to leave in his old days, for the poor fellow did not want to go. But says he then again to me, I am only talking to you that way as a friend. I don't want you to state that to anybody else. You know how it is. I must always try to keep on good terms with them as a neighbor; and that the Society always treated him well, and he had nothing against them. As we talked about money matters before (that was our business), he told me that he was a little involved, or somewhat involved in his money affairs, and that Baker always furnished him money whenever he was pressed hard; that whenever he wanted any money, he could just go over to Baker, and Baker would give it to him, and for that reason he was obliged to keep up good friendship towards Baker, and that he (John M'Donald) did not care anything about the rules and regulations of the Society.

Question 13. Whether there was any written agreement between Rapp and the members of the Society, whilst they were in Butler County, and at what time the article which purports to have been executed at Harmony, on Feb. 15th, 1805 (printed in the 5th Watts' Reports, 351), was executed?

Answer. To the best of my knowledge there was no written article or agreement, or receipts for money given or obtained, in any shape or form, up to the time till I was about twenty or twenty odd years of age. I don't recollect exactly the time of the year, or the day, but it was at the time that Eugene Miller had the suit against the Harmony Society at Pittsburgh, that Mr. Frederick Rapp came to our house (I was living with my father), and talked to my mother in a secret way, at different times, about obtaining evidence against Eugene Miller. At one time particularly, he came there whilst I was lying behind the curtain, in the bed, sick, and talked to my mother about that suit of Miller again. My mother asked Frederick Rapp particularly, what he thinks—which course, or on which side the suit would finally go—stating that his attorney from Pittsburgh had written to him, that unless they should show an article in Court here, of association, that all the members of the Harmony Society

had signed on the 15th of February, 1805, when the Society was founded, that they could not succeed in the suit against Miller; and now Rapp stated to my mother, that they are in great difficulty, or embarrassment, as every single member of the Society knew that there never was a written instrument of writing presented to them to sign, from the beginning or foundation of the Society up to this time. And Frederick Rapp stated that it was still worse, that the old father Rapp was declaiming from the pulpit so often, that the foundation of the Harmony Society was founded on the old apostolic principles, so that each member shall lay down or deposit his money at the feet of the apostles, in the full faith of Christianity, without any records or receipts passed or given; and now as his attorney demands such a document, when every member of the Society knows there is none in existence, says he, I can tell you, Mrs. Wagner, candidly, it keeps my mind engaged day and night. I can tell you, Mrs. Wagner, that for many hours in the night I cannot sleep. My mother stated then, it is not so bad, even if you should lose the suit, for it is only one man or one member. Rapp then told her, it is of more importance than what you know. Then mother said, Is there no way you can get over it? Then Rapp stated, we have a plan that will carry us through, if we succeed in it; but it is a serious case. Then Rapp ha[illegible]eft the house with my mother, and went out into the kitchen, and they talked awhile and then left. I am not positively sure about the time this took place, but it was about the time of Eugene Miller's suit, about twenty or twenty-two. Then shortly afterwards a cousin of mine, Israel Buntle, talked to me—that there was something serious going on at Rapp's house; that his father and Mr. Hevaley and Wineguarderle, and other old members, were called up at two different meetings, to Rapp's house, after the eleventh hour in the night, or midnight, and that he wanted to find out from his father what they were doing there. He said his father refused to tell him anything about it. About two weeks afterwards Israel Buntle told me again, that his father had told him now what they were doing; but says Israel Buntle to me, Unless you keep your mouth shut forever, I will not tell you what they were doing there. I promised that, because it was an interest to me. Then he began and stated that they were called up to sign an article of association, which ought to have been signed by the different members of the Society, by the members themselves, in the year eighteen hundred and five, the fifteenth of February; but as they want such an article for Eugene Miller's suit, that they have been called up by Rapp at night, to sign all the names of the Harmony Society, and that Rapp told them such an article was wanted for Eugene Miller's suit. That is all I know about the first article. Israel Buntle was a conspicuous member of the Society then. He is now dead.

(The defendants except to all the foregoing testimony, as irrelevant, incompetent, hearsay, and illegal.)

Cross-examination. I am going in the fifty-first year of my age. Nachtrieb quit the tanning business about the time we went down to the Wabash. He followed the tanning business from 1808 to 1809. I presume he was about twelve or thirteen years of age when he commenced the tanning business. The Society went to the Wabash in eighteen hundred and fourteen and fifteen. They did not all go at once. Nachtrieb followed teaming during the time we were at the Wabash. He commenced the hatting business in twenty-six. He became boss in the year twenty-eight, about that time anyhow. There were sometimes four or five hands working in the hat-shop in twenty-eight, more or less. I left with Count Leon at the time he left Economy. There were about two hundred and thirty to fifty of the former stock left with Count Leon. There were about four hundred and fifty remained. The Society had at Economy, at that time, about four thousand and two hundred acres and some fraction. I do not know what was paid for the land. It was a good deal over thirty dollars an acre. I couldn't swear that they paid twenty or one hundred dollars an acre; I didn't know anything about it. I do not know that they had any other land in Pennsylvania. They had stock; they had stock in the old Bridge at Pittsburgh. I could not say positively how much they had; the common report was that they had forty thousand dollars. Rapp, in thirty-two, had stock in the old Bank of the United States; he had it the year before, in thirty, and I never heard it was disposed of. I know that they had, in thirty-one, five hundred thousand dollars worth of stock in the United States' Bank.

Question (by Mr. Loomis.) How do you know it?

Answer. Rapp stated that the income on stocks was worth more than all the income of the other branches of the Society.

Question. Have you any other means of knowledge than what you have stated?

Answer. Yes, sir—I had conversation with Dr. Teught and Dr. Smith, both members of the Society and both clerks, and more intimate with the affairs of the Society than I was.

Question 3. Do you know any stocks owned by the Society in '32, besides those you have mentioned?

Answer. I don't know of any other stocks; but the Society had judgments and mortgages.

Question 4. Please state the judgments.

Answer. There was one against the estate of Phillips and Graham, where Phillipsburg is now located. The amount was the one-half of the purchase-money, which was about $24,000; so Mr. Graham told me. There was a judgment against the old Harmony Society property, in Butler County; I don't know the exact amount in '32; the judgment was in Butler County. I cannot name any other judgments that the Society had in '32; what I have stated embraces the mortgages and judgments.

Question 5. Do you know of any other property that belonged to the Society in '32, other than that which you have named?

Answer. I know myself; Mr. Rapp—— (After the witness had answered the last preceding question so far as to say, "I know myself," and was proceeding to state what Mr. Rapp told him, Mr. Loomis objected to his stating what Mr. Rapp said, and withdrew the question—to which complainant's counsel objects.)

Question 6. Who was the young man that was brought before Mr. Rapp, in relation to the girl, when you were called in?

Answer. His name is Jacob Sheaffer.

Question 7. When was it?

Answer. I think it was either in the latter end of '30 or the beginning of '31.

Question 8. When did Sheaffer leave the Society?

Answer. He joined in with Count Leon's Society, and left with them.

Question 9. How long after that did Sheaffer marry?

Answer. He married shortly after he left there.

Question 10. Did not George Rapp profess to believe and teach the doctrine of the final restoration of all to happiness?

Answer. He did teach that doctrine—whether he believed it or not I do not know,—with the exception of those that should commit the sin against the Holy Ghost; they would never be redeemed.

Question 11. Who was the butcher at Economy in the year '45, or the spring of '46?

Answer. I do not know. I saw Michael Killinger and Joshua Nachtrieb at Nicholl's house, below Economy, in the fall of '45. I don't know whether Nachtrieb and Killinger came together. I believe Killinger was a butcher. I was between 20 and 22 years of age when I heard the conversation between Frederick Rapp and my mother. I left with Count Leon, in 1832.

Question 12. Did you ever see any articles which were alleged to have been made in 1805?

Answer. I did not. George Rapp could speak but a few words of English. There was about a year's probation required of members when they came in; it was at the will of old Rapp. My recollection is this, that I testified that the annual income of the factories was $200,000, in Schiver's suit, at Beaver. I did not testify as to the value of the property, or what property they had; I testified that the net income was 90 or $100,000, the gross income being $200,000.

(The complainant's counsel excepts to the foregoing examination.)

Direct examination resumed.—Question 1. (By Mr. Umbstaetter.) Do you know of any other property that belonged to the Society in 1832, other than that which you have mentioned, either from what you have heard George Rapp or Frederick Rapp say, or any other members of the Society?

Answer. In the harvest of 1831, when all the hands at the factory were going out harvesting, Frederick Rapp came to the wool-house,

where I was attending, very much displeased with the management of George Rapp; that it was a foolish or bragging idea of him to be carrying on farming so largely; that it will be a great loss to the Society; that just by stopping the factory one week, they lost on the factory what will just balance up the whole crop of wheat, and oats, and rye together, that they raise, even if the crop of wheat should amount to six thousand bushels—so that the full value of the wheat, independent of all expenses, would scarcely make up the loss of the factory for one week, while the hands were out in harvest.

Question 2. State at what time you understood the article purporting to have been executed in 1805, was executed?

Answer. As I stated before, I heard it from Rapp, himself, that there was none made; and I heard my parents, and a great number of old members, stating at various times, that there was no article, nor any kind of writing whatever shown to them, or signed by them at the commencement or foundation of the Society; that they had joined together in good faith and belief of the Gospel or Christianity.

(Defendant's counsel excepts to the last part of the evidence of the witness as irrelevant and incompetent.)

Cross-examination resumed.—Besides my parents, there was old George Bendle, Christopher Miller, and Heffellar, and Jacob Dix, who is alive, that told me there was no article signed in 1805. It was a common understanding in the Society.

John Miller, sworn. I was a member of the Economy Society from 1817 to 1832. I was acquainted, during that time, with Joshua Nachtrieb; he was considered an industrious, good man, and observed the rules of the Society. I knew of no written rules or regulations agreed upon by the Society; old man, Mr. Rapp, made the rules; the rules were generally made after his own notion. He made them himself. I was at the meeting at Legionville; I went there by invitation; there was nothing said, that I heard of, of any account. We met at a public place, where we could be seen; it was not a secret meeting. I was nineteen years of age when I joined the Society. No statement was ever given, at any time, of the profits or losses of the Society. The common men had no means of ascertaining the value of the property, or the annual incomes; none but those who kept the accounts, and were in the stores, would know anything about it.

Cross-examination.—I left with Count Leon, in 1832, and signed the agreement that was then entered into.

Christian Hahn, sworn.—I am acquainted with Nachtrieb, the plaintiff, and Mr. Baker, one of the defendants. I was in the Society, at Economy, in 1846. I was under age, and had not signed

the article. I was there in June, 1846. I was there, in all, seventeen years; I left it in 1847. I was at the meeting in June, 1846, held at the meeting-house, on Wednesday evening. That meeting took place about two days before Nachtrieb left. I remained at the meeting until it was all over. I had heard it rumored, since Monday afternoon, that Joshua Nachtrieb, Lennox, and Rawl, had to leave the Society. Michael Kellinger objected to those men being sent away. This was at the meeting on Wednesday evening, after the religious services had closed. Thereupon, Nachtrieb arose and said, "If he had not done it, he should not do it again." Then Rapp spoke out, saying, "You must leave." Rapp, addressing the Society, asked,—"Do you want to have such a man here any longer?" Thereupon they answered, "No." Then Rapp said to the plaintiff, "Now you know what you have to do; thy father, himself, don't want you any longer." That is all that I heard; that was the end. I did not hear Father Rapp saying to Nachtrieb, the plaintiff, or anybody else, that he might take time to consider, and that there was no hurry about it. I paid attention to what took place, and if such a thing had been said, I am sure I would have heard it. The reason why he, Nachtrieb, had to leave was, he had gone near the boundary of the Economy land, and had spoken to George Frank and several others, from Phillipsburg, on the Sunday previous. I knew of nothing else that was brought against him. His character was very good in the Society, and he was a very industrious man. Rapp would not permit the members to acquire a knowledge of the English language. He did not interfere during my time, but I heard of his interfering formerly to prevent the younger members of the Society from being taught the English language. I never was instructed in the English, not even the alphabet, but had instructions in German.

(Mr. Loomis excepts to the above evidence as irrelevant and incompetent.)

Cross-examination.—I am 23 years of age. I have resided in Wheeling, but have not selected a permanent place of residence since I left that place, a short time ago. I left Economy in August, 1847. My parents were living there when I left, and are still living there, and are members of the Society.

Lewis Kast, sworn.—I am 65 years of age. I have been a member of the Economy Society for 31 years; I left the Society on the 2d of February, 1848. I was acquainted with Joshua Nachtrieb, and have been for 48 years; I have known him from his childhood. Joshua was a member of the Society, and conducted himself well; nothing could be said against him. Nachtrieb left either in '45 or '46. The cause of his leaving was this: he had gone out and talked to some of his friends. I cannot say when he spoke to his friends. He was ordered away by Rapp. I never heard any other charge brought against him, except that he talked to his frends. Nachtrieb

wanted to remain at Economy, and said so publicly; he wanted to remain a member of the Society. I was present at the Wednesday evening meeting—the last meeting at which Nachtrieb was present. After the religious exercises were over, Rapp inquired whether Joshua Nachtrieb was present; Nachtrieb then arose and said, "Yes, Father, I am here." Rapp then said, "Why, what are you doing here yet; I thought you had left." Nachtrieb replied, "Well, Father, if it had not happened, it should not happen again." Rapp replied, "Why any fool can speak so; you must leave; thy father, too, don't want you any longer." Nachtrieb's father was a member of the Society. From Monday to Wednesday it had been rumored all through the Society that Nachtrieb had been, or that he would be, ordered off; and John Schnabel, one of the defendants, and one of the elders, came out into the meadow where we were mowing between Monday and Wednesday above spoken of, and said to the plaintiff's uncle, Adam Nachtrieb, to tell Joshua that he was not allowed to work any more; that Rapp had so ordered. Adam told Schnabel to tell Joshua that himself. After Rapp said to Nachtrieb, "Any fool can say that; you must leave; thy father, too, don't want you any longer,"—nothing else was said by Rapp that I know of; the meeting then broke up. What Rapp said to Nachtrieb was in a loud voice, in the presence and hearing of the members of the Society—so that everybody could hear it. He was a man of strong voice. The Society was at Harmony, on the Wabash, when I joined it. I continued a member from that time until '48, when I left it. I was a vine-dresser; I engaged in other agricultural pursuits while I was a member of the Society. I knew nothing of any written rules; I never saw any or heard of any. Rapp made the rules; we had to obey the rules, or we were told we might leave. Rapp was the preacher, and performed the religious exercises of the Society. He held out the idea that God did not know man individually, but only collectively; and that every member that did not hold out or continue a member would be lost or damned; and that every member that left the Society in this world would have to join again in the next. The religion that Rapp taught required that his orders should be obeyed.

Cross-examination.—I heard no conversation between Rapp and Nachtrieb in relation to his leaving, except at the Wednesday evening meeting, which I have already mentioned. Nachtrieb said at the Wednesday evening meeting, "If it had not happened it should not happen again," and plead or asked to stay, in words which I do not remember.

Examination in chief resumed.—From Monday until Wednesday it was rumored generally among the members that Joshua Nachtrieb had to leave the Society. I knew of nothing else than that he had been out with his friends, and spoken with them, and that he could

not be useful there. After Nachtrieb had left, it was generally spoken of among the members that he had been ordered off.

Cross-examination resumed.—I did not hear anything about what the subject of conversation between Nachtrieb and his friends was.

Christian Hahn, recalled by plaintiff's counsel.—From Monday to Wednesday, I heard it spoken of among the members generally, that Nachtrieb must leave. I remember, for instance, I heard Christopher Kepler, and many others, whose names I do not remember, say so. I heard it said among the members in the same time that Nachtrieb wanted to remain. After Nachtrieb had left, it was generally talked among the members that he had been compelled to leave, or that he must go. I never heard Rapp, after the Wednesday evening meeting, say anything to the Society at large about Nachtrieb's leaving.

(Same exception as before by Mr. Loomis.)

Elijah Lennox, sworn. I reside in Wooster, Ohio. I was forty-six years of age on the 20th day of March last. I formerly lived in New Castle, Lawrence County, Pennsylvania, and resided there at the time my former deposition was taken in this case. The place referred to in the fourth interrogatory in my former deposition, where Joshua Nachtrieb went and spoke with his old acquaintances, was at the mouth of Legionville creek, on the Economy land, about a half or three-quarters of a mile from the boundary line of the land. It was on Sunday evening. The persons present from Economy were Joshua Nachtrieb, Gideon Rawle (now dead), and myself. The other persons present from Phillipsburgh, were George Frank, Jacob Waggoner, and John Miller. We were there conversing together about ten minutes; I do not think it was any longer. There was not much said. The Phillipsburgers wanted to know whether there was anything said in the Society about their getting anything. They wanted to get something. They had formerly been members of the Society. We said that there had been nothing said in the Society about their getting anything. It was before sundown—somewhere about five o'clock. Nachtrieb, Rawle, and myself, returned to Economy. It was after the evening service at Economy. There was no other subject spoken of, except the desire of the Phillipsburgers to know whether Rapp had brought their request before the Society. They had before that time had a committee to meet Rapp. I saw the committee at Economy; and they said they had seen Rapp, and that he had promised to bring the matter before the Society. On Monday, after the meeting at Legionville, about 12 or 1 o'clock, we were ordered to Rapp's house; that is, Nachtrieb, Rawle, and myself. We found at Rapp's house, Rapp and the committee of the Society. Among them was Baker, Henrici, Schnabel, John Stahl, Adam

Nachtrieb, Eberly, Adam Schinder, Joseph Henly, David Hensler, Christopher Kepler, Lewis Philo, Matthew Schully. That is all that I can remember as being there. When I went in, they were all there except Rapp and Henrici; and when I went there, they came in. I have stated in my former deposition what took place after Rapp and Henrici came in. When Rapp came in he commenced on Joshua, and said, Now let us give them fellows our judgment. He said, Joshua, you are to blame for all this. Joshua said that he didn't know, or didn't think that this was wrong; that he went down to Legionville Creek. Rapp told Nachtrieb, as near as I can recollect, that he (Nachtrieb) intended to raise a mob. Joshua said, No; if he had thought it was wrong to go there, he would not have done it. Rapp said, then (I do not know word for word), but he told him that he would have to go right off; to leave the town. Nachtrieb tried to plead off; said he was sorry it was done; said he wouldn't go, and didn't go. Nachtrieb didn't know that it would turn out as earnest as it did. Then Rapp turned on me and said, "Lennox, you had no occasion to do that at all." I was going to explain to him the reason we went down there, but he wouldn't listen to it; he said he wouldn't believe what I said: he ordered me right off. Rawle was ordered off at the same time. I can't recollect what Rapp said to Rawle, but it was pretty much all the same. I staid at Economy till Friday afternoon after this meeting. We didn't want to go, and said we wouldn't go. They took my shop-keys from me. I did not want to give them up; but the old man said, "If I did not give them up, he would get two or three stout men to take them from me by force." I gave up my keys on Monday. I had to give them up. He ordered them to give us no work—nothing to eat, and for us to leave town. Baker, at the Monday meeting, demanded Nachtrieb's keys. Rawle left on Tuesday. I generally done all the carpenter work for family business. There was no factory going on then. I had the keys of the carpenter's shop, and of the watchmaker's shop. I also did the repairing of the watches and clocks. Nachtrieb carried on the hatting, and had the keys of the hatter's shop. Rawle had formerly worked in the factory; but the factory being stopped for the last two years, he had worked upon the farm. At the council on Monday, I told them it took two to make a bargain, and that I would not go unless they would give me fifteen hundred dollars. They said they would not give me a cent. From Monday to Friday I staid at home, and did not go among the Society. Before this meeting at Rapp's house, there had been no agreement between Nachtrieb and myself to leave the Society: we never desired to go. I never heard any complaint by Nachtrieb with the Society. If he was dissatisfied, it was unknown to me. Our shops were just opposite to each other on the street. Neither one of us was dissatisfied; I know that.

Question by Mr. Stanton. Did you ever hear Joshua Nachtrieb say, in presence of John M'Donald, or any other person, that he was

a mind to leave the Society, and intended to have a meeting on the next Sunday, at or near the mouth of Legionville River, with some of the Phillipsburgers, to have a consultation about dividing the Economy property; that they intended to have a division of it; and that if they could not have a division of it, they would not be too good to burn up the town, or anything of that substance or import?

Answer. I never heard Nachtrieb, or any other person, speak a word in that kind of language, or in that way, to my knowledge.

Question 2. Did you ever hear Nachtrieb making any threats in the presence of John M'Donald, or any other person, against the Society, or its property, or any of the members of the Society?

Answer. No; I never did.

Question 3. Did you ever hear Nachtrieb say, before the meeting at Legionville, to M'Donald, or any other person, anything about dividing the property of the Society?

Answer. I never did.

Question 4. Did you ever hear him say to M'Donald, or any other person, before the meeting at Legionsville, anything about leaving the Society?

Answer. No, sir, I never did.

Question 5. Did you ever hear him say anything about burning up the town?

Answer. No, sir; I never heard him say anything about it.

Question 6. Did you ever hear any conversation by any person, when he was present, upon the subjects referred to in the five preceding interrogatories?

Answer. I never did; I never heard anything said to my knowledge.

Question 7. Did you ever know or hear of his desiring to send any tools, or anything of that kind, to the house of M'Donald?

Answer. No, sir, I don't know anything about it.

Question. Were you acquainted with Mr. M'Donald?

Answer. I am acquainted with him.

Question 8. State what you know of the rules and regulations of the Society, while you were a member of it.

Answer. There were no written rules; the rules were all made by Rapp, and were his orders. The members had nothing to do with the making of the rules; they were not consulted about them at all. Rapp said, if the members would not obey his rules, they would have to go; they had no other way but to obey his rules, or go. If they did not obey his rules, they would have to be punished in the other world, and there would have to come back and live under his rules anyhow.

Question 9. What were the rules and practice as to voting at State elections for public officers, &c.?

Answer. They generally held a meeting, and then they would appoint the candidate, whoever they wanted; and then the schoolmas-

ter, or some other person, if he couldn't do it, would fix the tickets together and tie a thread around them, and the members would get them in that way.

Question 10. Who selected the candidates?

Answer. Rapp and Baker; and the members just voted the candidates that were selected. The meeting to select candidates was a general meeting of those who were old enough to have votes. At those meetings, Baker would tell them who were the most suitable candidates.

Question 11. What were the orders in respect to voting the tickets prepared for them, and tied with strings, in regard to voting them?

Answer. There was not exactly any order given; but at the meetting the candidates were published. Rapp said every one ought to go in for them.

Question 12. Who was the religious instructor of the Society?

Answer. Rapp.

Question 13. Had Baker anything to do with the religious instruction of the Society?

Answer. He had not, as I know of, while I was there. Rapp was the sole religious instructor. Baker attended to the out business, as a sort of general agent.

Question 14. While Joshua Nachtrieb was in the Society, what was his conduct as to industry, correct deportment, and observance of the rules and interests of the Society?

Answer. Well, I never heard any complaint of him as to these qualities.

Question 15. Did you ever hear any complaint of him for anything except meeting his friends at Legionville, on the occasion referred to?

Answer. No, sir; I never did, as I know of.

Cross-examination.—I moved to Wooster on the first of April last. I follow the business of machinist there. I removed to Wooster as a place of residence, and intend to remain there. I came into the Society in 1818. They were then on the Wabash. I was at that time thirteen years of age. I know that Nachtrieb was a juror at Beaver, in June, 1846. Nachtrieb understood the English language, and conversed in it. He was supervisor of the roads for that road district, for some years previous to his leaving.

Re-examined.—Question 1. Were the members of the Society accustomed to have any money; or, who kept the money?

Answer. The members were allowed no money, except the bosses at the shops. When they received money, they had to pay it over weekly or monthly. The money was paid to either Rapp or Baker.

Question 2. Were they allowed to, or had they the means of purchasing or providing anything for themselves?

Answer. They were not allowed to purchase anything, nor had they the means.

Question 3. When you were ordered off, had you any money or means to provide for yourself?

Answer. No, sir.

Question 4. When Nachtrieb was ordered off, or went away, what money had he?

Answer. He had none, as I know of.

Question 5. When the bosses of the shops settled weekly or monthly with Baker or Rapp, were they allowed to keep any money in their hands for themselves?

Answer. No, sir, they were not allowed to keep any for themselves.

Question 6. How did you get money to bear your expenses from Economy?

Answer. I was furnished some money to get away. I got it from Baker. I got $200, and gave a receipt for it. Baker drawed the receipt.

Question 7. Were you at Economy on Wednesday night of the meeting after the Monday that you were ordered off?

Answer. I was in town, but not at the church.

Question 8. State whether, after the meeting was over, you heard Killinger, or any of the members, say what had taken place at the meeting about Nachtrieb?

Answer. I heard Killinger say (when he came home and went to bed, he said to me): "Joshua must go; that Rapp said that they would'nt keep him; that his father himself did not want him any more."

Cross-examination.—Question, by Mr. Loomis. When you gave your receipt for $200, what amount of money was paid you by Baker?

Answer. There were $20 paid to me, when I gave a receipt for $200; the balance of $180 has since been paid to me. If I recollect right, it was paid about the 1st of May, '47.

Re-examined.—Question 1. How came only $20 to be paid to you at the time you gave the receipt, and what took place at that time between you and Baker?

(Mr. Loomis excepts to this question.)

Answer. I told Baker that I only wanted $20, till I had some place to go to, and requested him to keep the rest for me, till I would come and get it.

Question 2. State whether the $200 were received by you as your just share or compensation, or whether that was all that would be given you?

(Mr. Loomis excepts to the foregoing question, on the ground that the testimony would be irrelevant and incompetent, and because the receipt, being in writing, is the best evidence of the transaction.)

Answer. That was all that was given to me. I received it as a present.

George Frank, sworn.—I have been examined in this case before. I was present at the meeting at Legionville that has been spoken of by Mr. Lennox. Joshua Nachtrieb, Elijah Lennox, and Rawle were there from Economy; there were none others there from Economy. Jacob Wagoner, John Miller, and myself were there from Phillipsburg. After we had met, there were some others from Economy came there and asked us what we were doing there; they passed by us; we asked them to take a seat with us, but they did not—they didn't stop at all. John Miller now lives at Bridgewater, near Beaver.

Cross-examination.—Gates and Shoenberger, from Phillipsburg, brought a skiff for us to go home; they were not at the meeting. Nachtrieb understood the English language. Nachtrieb did not ask me to come up to Legionville on Sunday. I never told Keppler, one of the Economites, that Joshua had told me to come up to Legionville.

Re-examined.—Question 1. While you were a member of the Society, at Economy, were there any written rules?

Answer. No, sir.

Question 2. By what rules were the Society governed?

Answer. By Rapp's orders.

Question 3. What were his orders in respect to the members leaving or being taught the English language?

Answer. He did not allow it.

Question 4. Were husbands and wives allowed to live together? (Mr. Loomis excepts to this question.)

Answer. No, sir.

Question 5. What was the rule in regard to the intermarriage of the males and females? (Excepted to by Mr. Loomis.)

Answer. Rapp's rule was, that if they wanted to marry they had to leave the Society right away.

Question 6. State whether the men and women lived under separate roofs? (Excepted to by Mr. Loomis as incompetent and irrelevant testimony.)

Answer. The men had to sleep in the upper story and the women in the lower story.

Cross-examination.—I joined the Society in 1805; I left it in 1833, with Count Leon—it is so long, I can't remember the precise time I left. There were no written rules in the Society as long as I was there. Rapp generally on Sunday evening, when he came out of church, told us what was to be done through the week.

Question. (By Mr. Loomis.) Can you state any rule that you ever heard Rapp make?

Answer. I went to Rapp and told him I wanted to learn English, and he scolded me, and told me he didn't want me to learn English.

Re-examination.—Question 1. During the 28 years you were in the Society, were any marriages permitted in the Society. (Excepted to by Mr. Loomis.)

Answer. No, sir, or else I would have been one of them.

Lawrence Shale, affirmed.—I am now in my 59th year. I was a member of the Harmony Society. I was going on to twelve when I became a member; I left it on the 16th of March, 1846. The Society was then in Beaver County; I joined in 1805. It was established at Harmony, in Butler County, a couple of months before I joined it. I continued a member all the time from the time I joined it till I left it. The Society was transferred from Butler County to the Wabash, in 1814, early in the spring; we remained on the Wabash till 1824, when it was removed to Beaver County, where it now is; it was not all removed at one time, but was gradually removed in about the space of a year. I was changed from one kind of work to another; I was an eye-witness, daily, to the operations of the Society, and engaged in various employments. I heard Rapp saying, about the time we moved to the Wabash, or a little before, that the Society or the congregation was worth a million of dollars now, and all the prophecies that the Society could not succeed were put to shame; it was in the year 1814 when that confession was made by him; I did not hear Rapp saying anything about the value at any other time. I think it was worth seven millions of dollars when I left. I heard Rapp say once, as I came up in the steamboat with him from Indiana, that if all the property that was in Indiana was lost, the Society would not feel it a bit; for, says he, "We have sucked out Butler County, we have sucked out Posey County, in Indiana, and we will not be idle in Beaver Co. neither."

Question 1. (By Mr. Stanton.) At the time when you were a member of the Society, what rules had it?

Answer. I know of no written rules; Rapp's great rule that he exacted of us was, "Obey my word without any delay"—and he enforced it every day and hour. That extended in spiritual and worldly affairs. "My word is law, and it shan't be broken by any member." And he executed it in a despotic, barbarous manner.

Question 2. What was the rule as to marriages among the members?

Answer. There were a couple within the first two years of starting, but after that the members were not permitted to marry.

Question 3. Suppose two persons wanted to marry, were they permitted to remain in the Society or compelled to leave it?

Answer. They were compelled to leave it, or to withdraw their intention and give up their marriage. I knew several young men who applied to Rapp for permission to marry, and always got an answer of refusal.

Question 4. What was the rule as to husbands and wives living together or apart?

Answer. They were separated; they were apart totally; they were not allowed to have intercourse with each other—and if there was a misstep between them, it was counted a great trespass, and they would be cast out of the Society if the deepest confession of doing wrong was not made. I have seen women who were in the family way going to Rapp, and he scolded them so bad that they almost became insane, or out of their heads.

Question 5. What was the consequence of disobeying Rapp's orders in the next world, as taught by him?

Answer. Hell-fire and damnation.

Question 6. What was the rule in regard to the members learning the English language?

Answer. We had no English, and even an English book was not allowed us; no community with English people—I mean by English people, those who speak the English language.

Question 7. While the Society was in Butler County, was there any written agreement between Rapp and the members?

Answer. There were none that I know of that were written. We empowered Frederick Rapp as our agent to sell the land; that was all that we signed.

Question 8. While you were on the Wabash, do you know of any book, or accounts, or papers, being burnt; if yea, state who burnt it, and how did it happen?

Answer. I saw a book burnt in the church, but whether it was the original book I have some doubts; I think the original book is alive to this day; I think Baker has it in his hands.

Question 9. What did Rapp say the book was that was burnt, and how came he to burn it?

Answer. It was an unknown thing under his reign; the book, it was said, contained the account of the original contributions; I never saw it open; Rapp said the book contained the account of original contributions; Rapp said it was hindering us brothers and sisters in Christ living as a family, and it must be destroyed.

Question 10. Do you know, during the time you were a member, of Frederick Rapp signing or causing the signing of the names of dead persons to powers of attorney and other instruments of writing, to procure money from the old country? (Mr. Loomis excepts to this question.)

Answer. I know of Rapp's causing the names of dead persons to be signed to papers. We were once in harvest time, cutting wheat, Jacob Varbaugher was reaping at my side—Frederick says, "You will come to my house at 12 o'clock, and sign an instrument or an article, or a power of attorney—I do not know what you call it—as a witness that you were present at the dying bed of a young man who had died in the state of Alabama." His name was ; his first name I do not know—but he had a brother who did live in

Economy now dead. Well, this Jacob Varbaugher scrupled about it, and shook his head, and thought it was not right, that it was not just. Frederick Rapp said, "We have sent a certificate of death to Germany, already, and couldn't recover or collect any money, because they wanted two witnesses; dead he is, and we can certify with a good conscience—and about the place, it is no matter." Those were his very words. Jacob signed it; I asked him afterwards, and he, Jacob, told me he had signed it. Frederick Rapp was an adopted son of George Rapp, and one of the managers of the temporal affairs of the Society. George Rapp was the preacher and founder of the Society, and it is of him I have been speaking, except in my answer to this last interrogatory.

Cross-examination.—I did not see Jacob Varbaugher sign the paper mentioned in my last answer. I do not know what the Economites sold the land for in Indiana; that was kept a secret from us. I do not think the sale to amounted to $90,000; that was too much. I heard Baker say himself, after he had been out to Indiana, that there would be a great loss; if they received $60,000 for it, they were well off. I do not know how much land they sold to . It was always said that their land in Beaver County amounted to 3000 acres; when I was there they said about an average of $30 an acre for the land at Economy, I think. They owned some lots in Zelienople, in Butler County, and perhaps some in Bridgewater. I do not know of any other real property, besides the Economy property, that they owned in Pennsylvania; but they had some stocks in bridges—in Beaver and Allegheny bridges; they had stock in the Pittsburgh Water Works—I can't say how much, but I heard it was about $25,000. I do not know of any other stocks. I do not know of any other property belonging to the Society when I left, except what I have mentioned. I could not state how much stock they had in the Beaver bridge—I think they had two or three shares; a good, heavy share in it. I do not know how much they had in the Allegheny bridge. In the first two years after the Society started in Butler County, I knew of three couples to have been married in reality.

Question 1. (By Mr. Loomis). Did you ever hear George Rapp abuse or censure any married woman in the Society for being in the family way, or having connection with her husband?

Answer. Yes, sir.

Question 2. What woman?

Answer. The wife of Michael Feucht, now present.

Question 3. When was it that you heard him scold her?

Answer. I did not hear Rapp scold this woman, personally; but I can testify that she was cast out when she was in the family way, an object of humanity. It wounded every feeling heart that met her there.

Question 4. Where was it that she was cast out?

Answer. It was at Economy.

Question 5. What year was it?

Answer. It was in 1827.

Question 6. What time in the year was it?

Answer. I cannot precisely say; but a month earlier or later than this season of the year.

Question. Are you certain whether it was in 1827?

Answer. I am certain in the year.

Question 8. Where did you go when you left the Society?

Answer. To Ohio, Columbiana County.

Question 9. When did you first return to Economy, afterwards?

Answer. I think it was something like three or four months, maybe five, for what I know.

Question 10. Was this woman sent away before or after you left the Society?

Answer. She was sent away about ten months after I left it.

Question 11. Were you present at Economy when she was sent away?

Answer. I was not.

Question 12. Did you hear George Rapp say anything to her before she went away?

Answer. I did not; but she came to my house, and cried so bitterly and lamented, that I was afraid she would get out of her head. The picture she presented wounded everybody's heart; she was an object of charity. (Mr. Loomis excepts to all the foregoing answer, except the three words, "I did not," as being irrelevant and incompetent.)

Question 13. How long had this woman been a member of this Society before she went away?

Answer. Her parents joined it in 1805, and she came in with her parents as a babe or child.

Question 14. Was she married when she left the Society?

Answer. No, sir.

I think that my estimate of the property at Economy, at the time we moved up to Economy, was about $8,000,000.

Jonas Nachtrieb, sworn.—I am 43 years old, within a few days; I am a brother of the complainant. My father, one sister, one uncle, and one cousin, are now members of the Society at Economy; my mother died in the Society in '34, I think. Have understood from father's family that he came into the Society in 1807. I was born in the Society in 1808. Understood from my father that Rapp and the members were generally Germans; Rapp came to this country first, and the other Germans followed; some of the early members, perhaps, came with him. I was between 23 and 24 years of age when I left the Society. While a member of the Society, I never knew of any written rules other than the Article of Agreement; never heard of any; never saw any; the Society was exclusively

governed by the orders of Rapp. Have heard Rapp state repeatedly, "that no society could exist where more than one will was to govern," and that will in that Society was his own. The practice was, generally speaking, for males to sleep up stairs, and the females down stairs. Never heard any regular orders given myself, but have heard Rapp bringing a man to account for having intercourse with his admitted lawful wife. One evening, which I think was Wednesday, after preaching, Rapp inquired if Mr. Fisher was there; Fisher answered in the affirmative. Rapp said Fisher had been transgressing the rules; that he had indulged in the lusts of the flesh, which were only suitable to be performed in the hog-pen, and if he could not come into the rules, and live as the rest, he could not remain a member there. Fisher made no reply. Mrs. Fisher, the wife of Fisher, was pregnant at that time, and her appearance showed it; she had a child about two months afterwards. This took place in the presence of the whole congregation, after the religious services had been closed. I never knew, in my time, of but one couple being married, and that I only knew by hearsay. If any of the young men showed any willingness to marry, Rapp would, in his sermon, preach so as to clearly give them to understand that he would not suffer it. I have heard one Shaffer say, that he had made several applications for marrying, but Rapp utterly refused him the privilege. Have known instances of young men being unfortunate in getting girls with child, that left the Society, and then married the girls that they had got with child; but only know of one instance. A young man told me that Rapp sent him and his wife off, because he had got her with child; his name is Muntz—he used to live in my father's family. The females were worked in the fields in harvest; reaping, hay-making, in clearing land, burning brush, and hoeing corn; I do not just recollect of any other kind of field work, but I have seen them engaged in these employments, in large numbers. Mr. Rapp stated frequently in his preaching, that any one that had heard him, and been a member of the Society, and would move himself away from the Society, would be among the very last ones that should be redeemed out of the bottomless pit; yet he would give them to understand that, after millions of years of suffering there, they would then find mercy as the last of the whole human race that would be redeemed. Those who were expelled from the Society were included in the same punishment. I was not at the Society when my brother left. I was at Economy, on a visit, in the fore part of September, 1848; a lady, named Ann Hayard, told me that Mr. Killengar, one of the members of the Society, wished to see me; I told her I would be at the river in the course of half an hour—if he wished to see me he could find me there then. I went there for the purpose of getting on a boat to come to Pittsburgh. After I had been there but a few moments, Killengar came; he inquired how my brother Joshua, the complainant, was getting along; I replied, he

was doing pretty well now—I had given him an interest in my hatting establishment. He said he was glad to hear it, for he was the best friend he had at Economy, and he never felt so sorry in all his life as he did when he had to leave. I asked him under what circumstances he was forced to leave. Says he, You know the circumstances about the meeting at the lime-kiln? I answered, Yes. He remarked then, that after he had got the orders at Rapp's house to leave the Society on Monday, he, Killengar, still indulged the hope that a change might be effected, and the sentence reversed—consequently, he went to him on Wednesday evening, just before preaching, insisting upon him to go to meeting that night; but to his mortification, in place of hearing the sentence recalled, it was re-affirmed. That he, himself, after meeting, told him (complainant), that there was now no alternative left, that he would have to go, he, himself, (Killengar), would give it up now—before that he had hopes. I then asked Mr. Killengar, if Nachtrieb (the complainant), should seek redress, if he would be willing to go before a court of justice and testify to those facts that he had been telling me; he declared that he would. I then asked him if he knew of any others in the Society that the complainant could rely on for testifying to the truth as it was in the case; he said there might be a few more, but a large majority, he had no doubt, were in the conscientious belief, that if Mr. Baker should tell them that the interests of the Society require it, and they would refuse to swear just as Baker wanted them, even if it were false, it would send them to hell. Killengar was then, and is now a member of the Society.

(Mr. Loomis excepts to the testimony of the last witness, on account of irrelevancy and part being hearsay.)

Cross-examination.—All the conversations of Mr. Rapp, in relation to the Society, which I have detailed in my examination in chief, occurred before I left the Society. Witness states that he left the Society in February, 1832.

Mochael Feucht, affirmed.—I will be 59 years of age in August next. I was a member of the Harmony Society, in Butler County, from 1805 till 1829. I went to the Wabash and returned to Economy, and was a member all that time. The reason why I left the Society was, that I wanted to marry, and was not permitted to do so; George Rapp forbid me to marry. I asked him twice for permission to marry my present wife on the Wabash, and he refused me permission in each instance; I asked twice for permission to marry my present wife at Economy, and Rapp again refused it. I was 26 or 27 years of age when I applied to Rapp for leave to marry my present wife; she was willing to marry me—we loved each other nine years before we were married. My wife was a member of the Society from 1805 until 1827, at which time she was ordered away.

Old George Rapp sent Dorothea Bendley to my wife, to tell her she must quit the town immediately. My wife was pregnant something over one or two months when she was ordered off. She had no relations outside of the Society; her old mother left the Society with my wife. Her father was long dead; he died a member in Butler County. My wife was 20 or 30 years of age when she was ordered off. The first article that I signed was on the Wabash—I think in 1821; I neither knew nor heard of any article between the members and Rapp, prior to 1821. An instrument was signed by the members in Butler County, authorizing Frederick Rapp to sell the land; but it was not an article of association. I was 12 years of age when I joined the Society. No written laws or rules were made while I was a member; the laws and rules of the Society were made by George Rapp, according to his own arbitrary will and command. The members were never consulted as to what rules should be adopted; they have no voice in making the laws. The married women slept in the lower part of the house, and the males in the upper part; they were not allowed to have intercourse as man and wife. Young people or unmarried persons were not permitted to contract marriage. The members of the Society were not allowed to learn the English language; never were allowed to have intercourse with persons who spoke English, except those whose business required it. Those that were allowed to have intercourse with persons speaking English, were those engaged in the mechanical and commercial affairs of the Society. Members were not permitted to walk outside the lands of the Society; they were forbidden to do so by Rapp. I live in Mahoning Co., Ohio. The members were not allowed to have any money, nor to buy or sell anything.

(Mr. Loomis excepts to the evidence of the last witness, as irrelevant and incompetent.)

Ludwig Bauman, affirmed. I live in Mahoning County, Ohio; I am nigh seventy-two years of age; I was a member of the Economy Society; I joined in 1821; when I joined, the Society was at the Wabash; I remained in the Society nearly eight years—not quite; there were no written rules or laws, so far as my knowledge extends; George Rapp ruled or governed the Society; he ruled them by his own laws, of his own making; as far as I know, the members were not consulted as to what laws or rules should be adopted; they had no voice in making them; I was married when I joined; the married men were not permitted to sleep with their wives; Rapp told me plainly that I dare not do it; unmarried persons were not permitted to enter into marriage contracts; the members were not permitted to have any money, or to buy or deal on their own account; each one was bound to work according to Rapp's commands; they were not allowed to choose their work; such married women as were not in the factory, had to work in the field; the women received their order

to work in the factory, or in the fields, from Mr. Rapp; the husbands were not permitted to say anything about what their wives should work at; it depended upon Rapp to say what the children should learn or work at; the parents had nothing to do with it; my own child, aged about ten or eleven years, came home and told me that I had no farther command over him; that the schoolmaster had told him so; the schoolmaster had told the child that he must do as he said; the schoolmaster, the agents, the bosses of shops, &c., were all appointed by Rapp; the members were not permitted to learn the English language, or to associate with those who spake it; no English books or papers were allowed to circulate, or to be used among the members; the members were not permitted to go outside of the boundary of the Society lands; I am not aware that the members were allowed to visit their neighbors outside of the lands, in cases of sickness or other calamity; it was not permitted to make social visits among friends outside of the lands of the Society; Rapp fixed the hours of labor, and of sleep, and of eating; during the hour of rest, at noon, we had to chop our fire-wood.

I signed an article of association at Economy, but I had to do it; they compelled me to do it; I think it was in 1826; there was a meeting held on a Thursday, when the members had to come to at the meeting-house; I heard the article read, and found out its contents; I determined not to sign it, and left the house; things so remained until the following Sunday, when Rapp, after the religious services were over, from the pulpit, said, "There are about four men here who did not sign the article last week;" and he said, "if the Society was of the same mind that he was, and those four persons would not immediately sign the article, they should leave town to-morrow;" from the meeting-house, George and Frederick Rapp went in advance; we four followed them, and the Society followed us; and thus we were transported, like other malefactors, to Rapp's house, as though we had done I know not what; in the house, then we had to sign our names to the article. All the things that I have spoken of, occurred while I was a member of the Society.

(Mr. Loomis excepts to the evidence of the last witness, as irrelevant and incompetent.)

Cross-examination. Mr. George Rapp said nothing to us at the house; the last he said to us was at the church; Frederick Rapp got the book at the house, but did not say anything; all four signed the article immediately; no person said anything at the house before we signed it; no one said anything at the church but George Rapp; I knew of nothing else that Geo. Rapp stated at the church, except what I have stated above; I don't know that anything was said to me, or the other three, by any person, in going from the church to the house; the names of the other three were Joseph Gotterba, Henry Ehman, and Adam Young.

Re-examined. Question. What were the last words said by Geo. Rapp about your signing, before leaving the church?

Answer. If we don't sign immediately, like the others, we may quit the town to-morrow.

Question 2. State whether or not Rapp made use of the words, "you must sign," or anything of that import, before leaving the church?

(Question excepted to by Mr. Loomis, because it is leading, and his answering it is not rebutting evidence.)

Answer. Yes; he told us we must sign like the others, or else we could not be there.

Cross-examination.—Did you state, in your examination in chief, what was stated by Rapp in the church correctly, as you recollect it?

Answer. I stated it as accurately as I could remember it.

Question. (By Mr. Stanton.) Did you state, in your examination, correctly what Rapp said, according to your present recollection?

Answer. Yes; as well as I can remember.

Helman Bower, sworn.—I am forty-three years of age past. I live in Allegheny City. I was a member of the Society at Economy. I was born in the Society, in Butler County, and raised in it, till I was over twenty-one years of age. I was born 15th of January, 1808. All that I know was what was made or willed in the Society, was by Geo. or Frederick Rapp. There were no written rules that I know of. Frederick Rapp was an adopted son of George Rapp, and was the manager of the out-door business while I was there. These rules were such that they would not let anybody get married there. If they wanted to marry, they must leave. The directions as to the management and education of the children, were from Rapp.

Question 1. Are you acquainted with Romulus Baker? Was he a member of the Society, and what was his employment while you were there?

Answer. I am acquainted with Romulus Baker, as long as I can remember, as a member of the Society. He was principal storekeeper whilst I was there. He was agent, to my knowledge, to collect money in Germany once, and went out there.

Question 2. State whether you were ever applied to by Baker to sign a power of attorney, to enable him to collect money in Germany, and what the transaction was?

Answer. I was called upon once by Mr. Baker. I think it was the first year we came up from Indiana. I was between seventeen and eighteen years of age. Mr. Baker came over to the carpenter's shop, where I was at work, and came in and asked the foreman or boss in the shop, whether I couldn't come over to the store a few

minutes. He replied to him I could, and told me to go along with him. On the way over towards the store, he told me what he wanted. There was a family of the name of Lentz there. There were four brothers, I think; and one of the four brothers was dead. He died in Indiana. His name was George Lentz. He said I looked more like the family of Lentz than any other one, for me to sign George Lentz's name: he was the one that was dead. I was wrong; there were five brothers. George was the third. Mr. Baker told me, when I got to the store, to sign George Lentz's name. I did not know what it meant. There was an Esquire there named Anderson. I think it was Anderson. When I went into the store, he put me in the rank, the third, where George would have come. All the other brothers were there. Their names were Israel, David, then came George, who was dead, and I stood in his place, Christian, and Jonathan. Mr. Baker then spoke to the squire in English, but I did not know what he said. I could not understand him in English. I think the Squire made us give an oath, I am not quite certain, before we signed our names. It was given to us in English, and I did not understand it. Israel signed his name first, and then David; and when it came to me, the Squire asked me whether I was a brother of the Lentz's named George Lentz, and I said I was; and I signed my name George Lentz. What instrument it was, I could not tell, because I couldn't read English. I did not understand the English language when it was read to me; I never learnt it. The children in the Society were not allowed to learn the English language while I was there. I think Baker had been to Germany about three years before; two or three years, I will not be certain. He did not explain to me what the paper was, or what he wanted with the paper.

Question 3. Do you know of any other instance of persons names being signed to papers, while you were at Economy?

Answer. Yes, sir. My oldest sister is now a member of the Society; and I learned from her that she signed a power of attorney in place of my mother in Indiana. I suppose I was about ten years old at the time. I had this conversation with my sister since the Society left the Wabash. My mother was dead at the time my sister signed the paper. She had been dead some four years before. My sister said the paper that she signed with my mother's name, was to get the money that my mother had left in Germany—seven hundred guilders. The money was got for the Society. My sister said that she went round to Geo. Rapp's house with my father, at the time she signed it. My father signed it. Frederick Rapp was present.

(Mr. Loomis excepts to the evidence of the last witness, as irrelevant and incompetent.)

Cross-examination.—At the time the power of attorney was executed by my father and sister, the family were all living at

Harmony, on the Wabash, and were members of the Society. I think it was in the first or second spring after we came up from the Wabash, that I signed the paper of which I have spoken, at the request of Mr. Baker. The store was then in the log cabin. Esquire Anderson, that I have mentioned, is dead, ten or twelve years. My father died in the Society about three years ago. I think my sister is forty-eight or nine years of age now. I suppose she was about twelve or fourteen years old when she signed the paper.

Recalled. (By complainant's counsel.) I know that husbands and wives were not allowed to sleep in the same room. I had left the Society in June, 1829, in order to get married. My wife had been a member of the Society, and left after me about a month. I was going on twenty-two years of age when I left, and I guess my wife was twenty. We got married here in Pittsburgh, on the 6th of August, 1829, by Esquire Von Bonnhorst. We went back again to live there in December, nearly New Years. After we came there, I went to Mr. Rapp and told him we wished to live with him again. He said we could, but that I would have to go home to my father's house; and so would my wife have to go home to her father's house. I went occasionally to see her. She was living in the lower part of the town; and Mr. Rapp sent a man named Schnable, one of the elders, to me, and forbid me to go to see my wife any more. When he saw that I wouldn't stay away from my wife, Mr. Rapp called me to his own house. That was about the 8th of February, '30, that he called me. He told me that if I would not keep away from her, I would have to leave the Society the next day, or else I would have to sign a power of attorney to be divorced. I told him I would not do that; so he told me to leave right away, and me and my wife left the next day. I don't recollect any instance, while I was there, of any other man and his wife being separated. Hesbriker's wife left the Society the same night with my wife, to get married.

(Mr. Loomis, Esq., excepts to the evidence of this last witness.)

Cross-examination.—Question 1. Were you there when Mrs. Hesbriker went away?

Answer. No, sir; I was in Allegheny.

Question 2. How long had you left there previous to that time?

Answer. A little better than a month.

Question 3. Had you been in Economy from the time you first left, before she left?

Answer. I believe I was there once before she left.

Question 4. How long before she left?

Answer. Between three and four weeks. I went there after some of my clothes.

Question 5. Did you leave the Society, because you were not permitted to marry?

Answer. Yes, sir.

Question 6. Did you ever hear Rapp, before you left, forbid any married man from sleeping or having connection with his wife?

Answer. I never heard him say so publicly. The women had to sleep down stairs; for I was a carpenter, and help to build houses; and we always, when there were any girls in the house, had to make small rooms for them to sleep in by themselves.

(Mr. Loomis excepts to the answer to the last question, except the first sentence.)

Question 7. Did you ever hear him say so privately; and, if so to what man?

Answer. To myself, when I was there the last time.

Question 8. Did you ever hear him say so to any other married man?

Answer. No, sir.

Question 9. Were there any guards placed to prevent married men from having any intercourse with their wives?

Answer. There were no guards placed; but the women had to sleep down stairs, and the men up stairs; they had all single beds to sleep in.

Question 11. Who did you hear say, that the women should sleep down stairs, and the men up stairs?

Answer. I did not hear anybody say so; but it was the rule in every house that I was in.

Question 12. Did you know that to be the rule before you left there?

Answer. Yes, sir.

Question 13. Did you ever hear George Rapp saying anything about the women sleeping down stairs, and the men up stairs, before you left?

Answer. He did not say so publicly; but it was that way in all the houses I was in.

Question 14. Did you ever hear him say so privately?

Answer. Yes, sir.

Question 15. Did you ever hear Rapp say anything about men and women sleeping in single beds?

Answer. No, sir.

Re-examination.—Question 1. Did you ever hear Rapp say anything, in his sermons, in regard to man and wife having connection?

Answer. I don't recollect in particular.

Question 2. Repeat the language Rapp used to you in relation to your intercourse with your wife, as near as you can recollect?

Answer. He said that if he would permit us to live together, the other youngsters would want it, too—them that was not married.

Question 3. Was George Rapp the preacher and religious instructor during the time that you were there?

Answer. Yes, sir.

Question 4. Did you ever hear him give any instructions as to the proper conduct of husband and wife towards each other in the married relation?

Answer. I don't recollect just now; it might be.

Question 5. Did you ever know him to marry any persons whilst you were in the Society?

Answer. No, sir.

Elijah Lennox (recalled by Mr. Stanton). Question 1. Down to the time that you left the Society, were any rules for the government of the members established by any other person than George Rapp, and if so, by whom?

Answer. By nobody else than himself, as I know of.

Question 2. Did you ever hear of any rules being established by any other one than Rapp?

Answer. No.

Question 3. How old were you when you first became connected with the Society?

Answer. Thirteen years old.

Cross-examination.—Question 1. Did you ever hear, after you joined the Society, Rapp establish any rule for the government of the members of the Society; and if so, what was that rule?

Answer. I don't know of any rule that he established with them.

Question 2. Did you ever hear him establish any rule for any purpose; and if so, what was that rule?

Answer. I heard him make rules often publicly. Well, for instance, I have heard him say: "I won't let any of the boys, or any of the girls, go out further, so far, on Sunday. You must all go to church."

Question 3. Can you state any rule or order you yourself heard him make or establish?

Answer. I have heard him make the rules, for male and female, how to make their clothes.

Question 4. Did you hear him make any other rules?

Answer. Yes; I have heard him make a great many rules, according to what I have stated.

A. W. Loomis, Esq., excepted to the evidence of Lewis Kast, Elijah Lennox, George Frank, and Lawrence Shale, respectively, before he proceeded to cross-examine them; but I committed to note the exceptions at the time they were made.

J. E. BRADY.

Interrogatories propounded to John Jacob Munk, Dorothea Munk, and John G. Boehringer, witnesses on part of complainant.

Interrogatory 1. Are you acquainted with the parties to this suit?

Interrogatory 2. Are you acquainted with George Miller, of

Tuscarawas County, Ohio, whose deposition was taken in this case by the defendants at Dover, in said county, in May last?

Interrogatory 3. State whether you had any conversation with said George Miller relative to complainant, Joshua Nachtrieb, being compelled to leave the Harmony Society, at Economy, in 1846? and what said Miller said to you on that subject, and when he said it?

Interrogatory 4. Please state what said George Miller may have told you, within the present year, in regard to his having been solicited to give testimony on the part of defendants in this case: as to what they wanted him to testify, and what reply he made?

Interrogatory 5. State whether or not said George Miller is the husband of Judith, and the father of John Miller, whose depositions were likewise taken in this case?

Interrogatory 6. Do you know, or can you set forth any other matter or thing which may be of benefit or advantage to the parties at issue in this cause, or either of them? If so, state it.

Deposition of John Jacob Munk.

I am acquainted with the complainant, but not with respondents. I am acquainted with George Miller, of Tuscarawas County, Ohio, whose deposition was taken in this case, in Dover, Tuscarawas County, Ohio, in July last. I have had conversation with said Miller, relative to complainant, Joshua Nachtrieb, being compelled to leave the Harmony Society, in which conversation the said Miller stated to me that the Harmony Society at Economy had a suit in Court with Joshua Nachtrieb. He also told me that Joshua Nachtrieb was compelled to leave the said Harmony Society, on account of getting married. I think this conversation occurred in February last. Said Miller told me that one of the members of said Harmony Society was at his (Miller's) house, wanting him to testify that Nachtrieb was not expelled from the Society on account of getting married; Miller said he told the member that he could not testify to that, because Nachtrieb was expelled for getting married, like himself—and that if he was called to testify he would be compelled to testify that Nachtrieb was expelled on that account. This last conversation also occurred, I believe, in February, 1851. The said George Miller is the husband of Judith and father of John Miller, whose depositions were also taken in this case. I do not know, nor can I state any other matter or thing that would be of any benefit or advantage to either of the parties to this suit.

Dorothea Munk, sworn. I am not acquainted with respondents, but am a little acquainted with complainant. Am acquainted with George Miller, the same as mentioned in the foregoing deposition of John Jacob Munk. I had a conversation with said Miller, in February last, in which conversation said Miller told me that Nachtrieb had been sent away from the Harmony Society, at Economy, on account of marrying, in the same manner that he (Miller) had been sent

away. Said Miller told me that a man, a member of said Harmony Society, was in his (George Miller's) house, and wanted him to testify that said Nachtrieb was not expelled from the Society on account of marrying; and that he (Miller) replied to this man, that Nachtrieb had been sent away from the Society as he (Miller) had been, on account of marrying. The said George Miller is the husband of Judith and father of John Miller, whose depositions were also taken in this case. I do not know, nor can I state, any other matter or thing that would be of any advantage or benefit to either of the parties.

John George Boehringer, sworn. I am acquainted with complainant, but not with respondents. Am acquainted with George Miller, of Tuscarawas County, Ohio, whose deposition was taken in this case in the town of Dover, in said County, in February last. In February last I had a conversation with the said George Miller, in which he told me that Joshua Nachtrieb was compelled to leave the Harmony Society; did not state at what time, but was compelled to leave, as he (Miller) had been compelled to leave, on account of marriage. The said Miller also told me, in the conversation above alluded to, that a member of said Harmony Society came to his (Miller's) house, and wanted him to testify that the Society did not compel said Nachtrieb to leave the Society, but gave him a certain time to remain in the Society, as I understood. He also told me that his reply to the member was, that he could not so testify, because Nachtrieb had been compelled, like himself, to leave the Society on account of marriage. The said George Miller is the husband of Judith and father of John Miller, whose testimony was also taken in this case. I do not know, nor can I set forth, any other matter or thing that would be of any benefit to either party.

Respondent's Evidence.

In the United States Circuit Court for the Western District of Pennsylvania.

JOSHUA NACHTRIEB,
v.
ROMELIUS L. BAKER and others.

Copy of Depositions taken in Economy, on the 27th December, 1850.

Samuel Downey (sworn). I know the plaintiff in this case. In the fall of '45, or in the spring of '46, one evening I left Economy here; I overtook him out of town; I was riding and he walking; he had a gun with him; he stated that there was a flock of wild turkeys round, and the butcher had went round the hill. After talking a little, I went to ride a little faster than he was walking; after I had went a few rods ahead of him, perhaps one, or perhaps a little more, he says, "I would wish to talk with you if I dare trust you." I told him to say on, as much as I would not discover. He stated that the butcher had not gone after wild turkeys; that him and the butcher

was in the notion of leaving Economy after some time; that the butcher had gone round the hill to meet him at Henry Nichols till they would have a consultation about the matter; he stated that he hadn't been content these several years in Economy, from the time that he was supervisor—that he got to know the ways of the country. He asked me if I would inquire of some of the men or lawyers about Beaver to know what he could do; I promised to do it, but never done it. I saw him several times afterwards in Economy. I was to go to his shop, but never went; I told Mr. Baker the first opportunity that some of his Society were going to play him the slip or going to leave him; I do not recollect which way I termed it. Baker inquired who it was, and I told him.

Cross-examined.—I rather suspect, and my better impression is, that this conversation was in the fall of '45. I have known plaintiff for about fifteen years, but not much acquainted with him until I got in to be constable. I was well acquainted with him at the time the conversation took place. I don't believe that I recollect all the conversation that occurred between the plaintiff and myself on that occasion. There was some conversation about the death of Mr. Rapp, but I do not recollect what it was. I told him if he was not content, that wherever a man's mind was, there he ought to be, and that in Economy they hadn't to endure the hardships we had on our hills. Nachtrieb said something about waiting on Mr. Rapp's death, I do not recollect the words. I told him that where his mind was, that there he would be the happiest. This conversation was in confidence. He was speaking confidentially at the time. I did not state to him that I would mention the matter to Mr. Baker. I made him believe that I would say nothing about it. I told Mr. Baker the first time I had an opportunity; it was not long after the conversation occurred. I was constable at the time, and am yet.

S. DOWNEY.

Sworn and subscribed before me.

J. E. BRADY.

John McDonald (sworn). I have been acquainted with the plaintiff since the Society has been here pretty much; I had some conversation with him before he left Economy; I have heard him remark at different times before he left the Society, that he intended to leave, that he was not satisfied to live here any longer, and that he would leave the Society and go and work for himself, as I did—about that amount. I heard him say at two other different times, with another person in company, that they were a mind to leave the Society, and intended to have a meeting on the next Sunday, at or near the mouth of Legionville Run with some of the Phillipsburgers, to have a consultation about dividing the Economy property; that they intended to have a division of it, and if they could not have it divided they

would not be too good to burn up the town—they would burn up the town. I remarked to them that they were altogether wrong about the matter, that they should not think of such a thing, and they said no more about the matter at that time. Previous to going away they wanted to send away some tools or something of the kind to my house to secrete, as they wanted to get them away without the knowledge of the Society—goods of some kind, they did not say what kind. I told them I would not conceal anything of the kind; they must get them away themselves. I gave Mr. Baker notice that the meeting with the Phillipsburgers was to take place on the Sabbath at Legionville. This was in June, '46. I don't know the time plaintiff went away. I had some conversation with the plaintiff after he had left, when he was on a visit from Ohio, about two years after he left. I inquired of him are you going over to see the folks in Economy? He answered Yes; I asked him how he liked to live away from the Society. He remarked he liked it very well. I said I suppose they gave you a good lock when you left—a pretty good start. He replied they gave him as much as he could expect, or more. The amount of money I do not recollect. He was at my house frequently before; he went away in company with a man of the name of Leonard Lemmix, I think.

[The counsel for the plaintiff excepts to the evidence of the last witness.]

Cross-examined.—Leonard Lemox was the person that was present with Nachtrieb when the conversation which I have detailed in my evidence in chief occurred.

[It is admitted by the parties that said Lemox, referred to by the witness, is the same person whose deposition has been taken in this cause by the complainant.]

I think it was Nachtrieb that told me there was to be a meeting at Legionville, in the presence of Lemmix. I am not certain which of them told me there would be a consultation; I believe it was Nachtrieb made the remark that if they could not get the property divided they would not be too good to burn down the town, at the first time. The second time it was this Lemox made the remark. These conversations were at two different times. Lemmix was present at both conversations, I think. I am not so certain about Nachtrieb being present at the last time the remark was made, but I think he was. To the best of my recollection they were both present at both times. Mr. Nachtrieb and I were intimate; I often went to his hatter shop on business. The conversations were not mentioned as confidential; no promise of confidence was asked of me, and none was given. I think I told Mr. Baker the next day after the last conversation; I did not tell him the names of any persons, but told him to look out and he would find out himself who they were. Lemox and plaintiff were both present at the time the proposition was made to send goods or things to my house; I can't say which

made use of the words. These conversations took place, one in the carpenter-shop and one in the hatter shop at Economy. I recollect the time of the conversation as well as I recollect that last year was forty-nine. Never had but one conversation with Mr. Baker since about it until a short time ago he inquired of me whether I could recollect the circumstances I had mentioned; that he had a lawsuit, and wanted my testimony. My last conversation with Mr. Baker was last week, when he told me he wanted me here this day. I think it was two years ago since I had the last conversation before the one last week, with Mr. Baker upon this subject; at that time he told me there was a suit entered against him, and he asked me if I recollected the circumstances that happened before. He told me the suit had been entered by the plaintiff, or he expected a suit or something to that effect. I think I did not tell Mr. Baker last week all I have testified to-day; I never told any person all I have testified to-day; I reside across the river from here, on the bank, in this county. I follow steamboat piloting generally; I am not a tenant of Mr. Baker's; Mr. Baker has bought the property I live on; it is still in my possession; this business of it is not altogether settled. I have never come under any rent. Baker bought the property at sheriff's sale, and I have not been dispossessed. It is in his power to dispossess me at any time. He did not buy it for my benefit; he bought it for himself. There was no understanding between us about it. I have no bargain with Mr. Baker for rent of it.

JOHN McDONALD.

Sworn and subscribed.

J. E. BRADY.

John Dibbold, sworn. I am acquainted with the plaintiff; Henry Nichol came to my house and asked me whether I would not take the plaintiff across the river; I did take him across in the morning; we were talking in a friendly manner about his going away, and he said he went away friendly; there was no dispute between him and the Economites; this was about three months after he went away; he said he got about two hundred dollars; he said he could have taken what he wanted; that nobody looked about the wagon, none of the Economites; the conversation was in German; it is so long, I must study about it; he said, I am so far satisfied, or well off, my brother assisted me in building a house; he made no complaint at that time of the treatment of the Economites; he said he went away voluntarily.

Cross-examined. I was acquainted with the plaintiff two or three years before that time; I lived three miles below Economy at the time this conversation took place; no other person was present, we were alone in a skiff; I do not know anything about the reason why plaintiff left Economy; I did not, at the time I had the conversation with him, know anything about the circumstances of his leaving

Economy; I was not at home that week; in the conversation, plaintiff did not tell me all the particulars of his leaving; I have stated all I remember of the conversation; I don't remember of his telling me anything else; I naturally reflected over what he told me; he had been in Wooster, Ohio, from the time he left Economy till this conversation took place; at the time he told his brother had helped him to build a house, he spoke of his brother in Wooster; about his leaving Economy, he said he had left quite friendly; that nobody looked after his wagon, and he could take away anything he liked; he did not say anything about any dispute or controversy; this was in eighteen hundred and forty-six, in August or September; it was in the spring that year he went away; the conversation was in the spring, I think, about three months after he went away; I am sure it was after he went away; I did not ask him the particulars about his going away.

JOHN DIPPOLD.

Sworn and subscribed before me,

J. E. BRADY.

Henry Nicholl (sworn). I live in Allegheny County, in Moon township; in eighteen hundred and forty-six, I lived three miles below this town, near Baden; plaintiff was often at my house before he went away; I heard him say he wanted to go away; I asked him where he was going; he replied, he was going to Wooster, to his brother; I don't remember his saying he was going to Wooster more than once; I cannot tell the day when he said so, it is so long ago; it was shortly before he left; I heard him say before that, that he would like to go away; I never heard him say anything about Father Rapp; he left a shot-gun at my house; he came for the shot-gun himself after he went away; he left it there before he went away; I can't tell how long before he went away he left it there, and sometimes he had it at his shop; I don't know that he left anything else there; they had a meeting in my house once; Nachtrieb, the plaintiff, George Frank, and one more, whose name I don't remember, were there: his name is Wagoner; he lives in Phillipsburgh; I don't know his Christian name; he is the man that went to France for money; I did not see plaintiff when he was going away in eighteen hundred and forty-six; I can't tell the object of the meeting in my house; there was a great deal said, but the distinct object I cannot tell; it was nothing of consequence; it is so long ago, I cannot think of it any more; I remember no more about the object of the meeting than what I have said; I did not see plaintiff when he went away; I was not at home; they might have said something about Mr. Rapp's death, but I cannot remember it.

Cross-examined.—Plaintiff said he did not like to stay any longer at Economy. He would like to go away; that is all I can tell.

HENRY NICKEL.

Sworn and subscribed before me,

J. E. BRADY.

Gertrude Nickel (sworn). I know the plaintiff; I have known him about six years; it may be longer. We lived about three miles below here when he went away; I am the wife of Henry Nickel. He was sometimes at our house before he went away. He was at the Court, and when he came from the Court, he had some sugar there and left it; then he said if he goes away he would take it away. He came from the Beaver June Court; the evening before he went away, he came for a wagon and took the sugar along; I saw him when he was going away to Wooster. The woman that is now his wife was with him; I did not see the wagon; he and his wife just were there. When he left the sugar he said nothing about Catharine; when he left the sugar there, he said if he should go away from Economy, he would take it with him. When he and Catharine were at our house, when they were going away he said to her that he was satisfied now; said nothing else, except that he thought he would go to his brother. I can't tell whether he said he left voluntarily; he said the wagon was well loaded. He never said anything to me about Father Rapp's dying. I know nothing about any meeting at our house. Nachtrieb, Frank, and Wagoner were at our house. I don't know what the meeting was for. I was in the kitchen.

GERTRUDE NICKEL.

Sworn and subscribed before me,

J. E. BRADY.

Gottfried Kebler (sworn). I know Joshua Nachtrieb. I boarded with him at Wooster. He told me he had got two hundred dollars when he left Economy. He did not say whether he was satisfied or not. He did not say whether he had left voluntarily or whether he had been sent off. He said nothing about any property he took away from here.

GOTTFRIED KEBLER.

Sworn and subscribed before me,

J. E. BRADY.

Irene Eberly (sworn). I know the plaintiff. I was present at a meeting on Wednesday evening before plaintiff went away, at Economy. It was a regular meeting for worship. Plaintiff was present. After the meeting was over, Father Rapp said that Joshua Nachtrieb on last Sunday, had been down near the limekiln at Legin Creek. Father Rapp said that it was not right to have a meeting with any of the Phillipsburgers. He said it was not right, and if he would not do as the Society wanted, it would be best if he were to go away. Father Rapp asked the plaintiff what he thought about that matter. Nachtrieb replied: Father if it had not occurred, it should not again

occur. Father Rapp then said, Well, there is no hurry about it, he can take time to consider.

Nothing further was said. People then went away.

Cross-examined.—I was not a member of the Society at the time. This meeting took place in forty-six. It was in June; I can remember well. There was nothing else charged that evening against plaintiff, except that he met some Phillipsburgers at Legionville. Mr. Rapp addressed himself to the Society, and asked them what they thought of it; many of them answered, that if he would not go the way of the Society, or would not do as the Society want, it was best that he should go away. I was at the time of this meeting between sixteen and seventeen years of age. Females became members of the Society, at the age of eighteen, but I had a right to say what I wanted before that age. I took no part in this proceeding about Nachtrieb; I did not vote upon the question put by Father Rapp; I can swear to every word that was said; I mean by that, that I can remember no more, than what I have said. Father Rapp said that Nachtrieb's own father had stated, that he would be pleased if he, Joshua, the plaintiff, would go away, that this matter would come to an end. Mr. Rapp stood in the pulpit. I left the Society three years ago last November, and now live two miles from Shousetown, in Allegheny County. Nachtrieb left Economy the Friday after the meeting, on Wednesday evening. I know nothing about a meeting on Monday. There was nothing said in the Wednesday evening meeting, that I heard of of a meeting that had been held the Monday before at Mr. Rapp's house.

IRENE EBERLY.

Sworn and subscribed before me,

J. E. BRADY.

James Irons, Esq. (sworn). I have been well acquainted with the plaintiff, probably for twenty years. Some two or three years probably before the death of Mr. Rapp, in conversation with the plaintiff, in his shop, he asked me what my opinion would be of the result of the Society, at the death of Mr. Rapp, or something to that amount. He appeared, as if he was a little dissatisfied in some way, I do not know how. He did not express himself how he was dissatisfied, as I always considered him a good member of the Society, and a respectable man. He asked me, if I thought there would be a break up or a blow up at the death of Mr. Rapp; I told him I did not like to give my opinion; that I was constantly, or daily, almost, among the Society, and it would suit me best to be neutral. I remarked to him, if I was a man of his age, I would not leave where there was such a wealth. He remarked, that he was yet a young man, with a good trade, and could make a living anywhere. At another time, some time afterwards, probably a year or two, there had been some noise; I hardly know how to express it, amongst

them; he observed that he and a Mr. Lemox, a companion of his had been caught on a Sabbath evening, at a meeting with some of a seceding party at a limekiln, and that they had been reported to the congregation or church, and been spoken of, in the church, that he supposed it would injure his comfort here if he stayed, that there had been some angry words and feelings about the matter, not so much so with himself as with Mr. Lemox. I remarked to him that probably this matter could all be hushed up, so that there would be no more about it. He said that he thought, that probably it might not be so, that he would feel a little unpleasant about being in the Society afterwards, that he had a brother in Ohio, and that he thought it would be as well for him to retire from the Society, and go and see his brother, as his brother was doing well, that he thought from the good feeling which existed in the Society towards him, that he would get two, three or four hundred dollars probably, that would establish him in business. I then saw the plaintiff, afterwards a short time, he told me he was going away; said he had got some money, but did not tell me how much. I am not sure whether I heard plaintiff speak of going away more than twice or three times before he went away; I believe I did give Mr. Baker information of his intention of going away. At the first conversation which I have mentioned, I told him that if I was a man of his age, and had the same hold that he had, I would not leave the Society at that time; he remarked that he thought he would leave at any rate, whether he got anything or not. I don't remember of his mentioning more than once meeting with the Phillipsburgers.

Cross-examined.—The first conversation occurred either in forty-three, four, or five. The way the conversation occurred, was, as I understood it, he wished to ascertain whether upon the death of Mr. Rapp, the Society would dissolve, or would be continued, and whether my opinion agreed with his; it appeared that he had the opinion, that there would be a break-up, as he called it, upon the death of Mr. Rapp. The second conversation occurred some time afterwards; I cannot give the precise date. At the time of the second conversation, plaintiff was still a member of the Society—I do not know how long he remained in the Society after this second conversation took place, but it was not long, as there was some noise about this meeting there. He did not say anything in the second conversation about being ordered away; I never heard him say so—I know nothing about the circumstances connected with his leaving the Society, but what I have told you. I think plaintiff left about the same time, so far as I know; I didn't see any of them go, to my recollection. It was within the same year that plaintiff left the Society, that I had the second conversation with him; probably three or four months before he left; I had no conversation on the subject of his leaving after he left; I don't remember of having any conversation with plaintiff within two or three months before he left—I cannot tell

whether the last conversation was within one, two, or three months before he left; I cannot fix the date. Mr. Lemox and the plaintiff were still members at the time of the second conversation, so far as I know; the general conduct and character of the plaintiff was good, while a member of the Society, so far as I know; never heard anything against him, until this matter occurred. I know that plaintiff served as a juror; he and I have acted together as jurors at the same Court, once or twice; he was supervisor of the roads—I saw him acting in that capacity. I don't remember what reason, or whether he, plaintiff, assigned any reason for his desire to go away.

JAMES IRONS.

Sworn and subscribed before me,

J. E. BRADY.

Benjamin Powell (sworn). I know the plaintiff—he applied to me at the time he left Economy, to take him away in a wagon; the plaintiff came down there to Mr. Briggle, to haul him away; I understood that Mr. Briggle could not haul him, and then he came to me and wanted me to haul him, and I told him I did not care about taking him away; he was a stranger to me, and I knew him to be an Economite by the dress he had on, and I told him, I did not like to do anything in it, as I had a field rented from Mr. Baker; that I didn't want to have any ill will from Mr. Baker, or the Economites in taking him away. Mr. Nachtrieb says to me, that I need not be any way uneasy about that, for he was not running off, he was going away of his own accord; then I told him I would haul him if that was the way of it. He wanted me to come up the next morning by daylight, or sun-up, and I was there by that time; we put in part of the load, on the corner south of the Economy Hotel—I mean on the road to Pittsburgh; we drove down the street a piece and put in more; we then came round to some old gentleman's, and put in more; no one interfered to prevent him putting what he pleased; I suppose, probably the load was ten or twelve hundred weight. The goods were all packed up in trunks and boxes. After I got my load on, I went out on the road probably a quarter of a mile, and there was a young lady sitting on a log; when I came up she came towards the wagon, got into it and went along down to where I lived. I carried him and the young lady to Wooster, Ohio; one place as we were going along, he got up in the wagon; there was a very level piece of a country in Ohio; he looked all over it, lamented that he had stayed so long at Economy, and was glad that he had gone away.

Cross-examined.—The young lady, I would suppose, was about thirty years of age at the time I took them away. He took the goods away in an open manner; there were several individuals present, members of the Society, when we were loading. Plaintiff seemed anxious to get me to take him away; I didn't understand by the first syllable from plaintiff, that he was running away. I

afterwards saw plaintiff married to the same lady he carried away. When I declined at first to haul him away, he pressed me several times to do so, and was anxious that I should do so.

BENJAMIN POWELL.

Sworn and subscribed before me,

J. E. BRADY.

Balthaser Henning (sworn). I know the plaintiff; I am seventeen years of age; I was present at the Wednesday evening meeting, which was held last before plaintiff went away. Father Rapp said to plaintiff, it would be better for him (Nachtrieb) to leave. Plaintiff arose and said: Father, if it had not happened, it should not again happen. Father Rapp then said: But you may reflect over it, it has time; that was all. The meeting then broke up. My father is a member of the Society; his name is Hilarus Henning; I have never signed the articles of Association; I am not a member; I live in the Society with my father; I remember, distinctly, that Father Rapp stated what I have mentioned above.

[Complainant's counsel excepts to the foregoing examination of Balthaser Henning, on the ground of interest in the event of this suit, on part of himself and his father, and proceeds to cross-examine.]

Cross-examined.—I was thirteen years of age at the time of this meeting. There were many present at the meeting, both males and females. I don't remember the first that Father Rapp said about Nachtrieb at that meeting. I do not wish to be understood as saying, that what I have stated in chief was all that was said by Father Rapp about Nachtrieb, but it is all that I remember. I don't remember Father Rapp saying to plaintiff that he must leave; nor do I remember of his saying that his father didn't want him any longer, that he wanted him to leave. The proceedings, after the religious services was over, about Mr. Nachtrieb, lasted about a quarter of an hour. I don't remember of any submitting to the congregation or members, on that occasion, the question or matter about Nachtrieb. I don't remember of any of the members of the Society saying anything on the subject. I took no part in the proceedings; I was too young. I knew nothing at the time of the difficulties existing between the plaintiff and the Society. I don't remember what charge was brought against plaintiff at that meeting. I was too young to pay much attention to the matter, or to take much interest in it. I have not told any one, since the meeting, what I knew about what took place; Mr. Baker only asked me whether I knew anything about it, and I said, yes.

BALTHASER HENNING.

Sworn and subscribed before me,

J. E. BRADY.

afterwards saw plaintiff married to the same lady he carried away. When I declined at first to haul him away, he pressed me several times to do so, and was anxious that I should do so.

BENJAMIN POWELL.

Sworn and subscribed before me,

J. E. BRADY.

Balthaser Henning (sworn). I know the plaintiff; I am seventeen years of age; I was present at the Wednesday evening meeting, which was held last before plaintiff went away. Father Rapp said to plaintiff, it would be better for him (Nachtrieb) to leave. Plaintiff arose and said: Father, if it had not happened, it should not again happen. Father Rapp then said: But you may reflect over it, it has time; that was all. The meeting then broke up. My father is a member of the Society; his name is Hilarus Henning; I have never signed the articles of Association; I am not a member; I live in the Society with my father; I remember, distinctly, that Father Rapp stated what I have mentioned above.

[Complainant's counsel excepts to the foregoing examination of Balthaser Henning, on the ground of interest in the event of this suit, on part of himself and his father, and proceeds to cross-examine.]

Cross-examined.—I was thirteen years of age at the time of this meeting. There were many present at the meeting, both males and females. I don't remember the first that Father Rapp said about Nachtrieb at that meeting. I do not wish to be understood as saying, that what I have stated in chief was all that was said by Father Rapp about Nachtrieb, but it is all that I remember. I don't remember Father Rapp saying to plaintiff that he must leave; nor do I remember of his saying that his father didn't want him any longer, that he wanted him to leave. The proceedings, after the religious services was over, about Mr. Nachtrieb, lasted about a quarter of an hour. I don't remember of any submitting to the congregation or members, on that occasion, the question or matter about Nachtrieb. I don't remember of any of the members of the Society saying anything on the subject. I took no part in the proceedings; I was too young. I knew nothing at the time of the difficulties existing between the plaintiff and the Society. I don't remember what charge was brought against plaintiff at that meeting. I was too young to pay much attention to the matter, or to take much interest in it. I have not told any one, since the meeting, what I knew about what took place; Mr. Baker only asked me whether I knew anything about it, and I said, yes.

BALTHASER HENNING.

Sworn and subscribed before me,

J. E. BRADY.

I certify that the foregoing is a correct copy of the original depositions.

J. E. BRADY.

In the Circuit Court of the United States, for the Western District of Pennsylvania, in the Third Circuit.

JOSHUAH NACHTRIEB
v.
ROMELIUS L. BAKER et al.

No. 28, of November Term, 1849.

The President of the United States to Abraham Shone, Esq., Canal Dover, Tuscarawas County, Ohio, commissioner on the part of defendants, and Joseph C. Hance, Esq., of New Philadelphia, on the part of complainant.

Know you, That, in confidence of your prudence and integrity, we have given unto you, and, by these presents, do give unto you, full power and authority, in pursuance of a rule lately made in the Circuit Court of the United States, in and for the Western District of Pennsylvania, in a certain action or bill in equity therein depending, wherein the said Joshuah Nachtrieb, is complainant, and Romelius L. Baker and others, respondents. To call before you, at a certain day and place, by you for that purpose appointed, all and every person or persons, who may be named to you by the said defendants, as witnesses in the said action, and then and there to examine them on their respective oaths and affirmations, on certain interrogatories hereunto annexed, touching the premises, and to reduce their testimony to writing; and when you shall have so done, you are to send the same to said Court, closed up, and under your seals plainly and distinctly set, together with this writ.

Witness the Honorable Roger B. Taney, Esquire, Chief Justice of the Supreme Court of the United States, at Pittsburgh, this sixth day of May, A. D. 1851, and of the Independence of said United States, the seventy-fifth.

H. SPROUL,
Clerk.

Circuit Court of the United States, Western District of Pennsylvania.

JOSHUA NACHTRIEB, a citizen of the State of Ohio,
v.
ROMELIUS L. BAKER and others, citizens of the Commonwealth of Pennsylvania.

No. 28, of November Term, 1840. Bill in Equity.

Interrogatories for witnesses to be examined before Abraham Shane, Esq., residing in Canal Dover, Tuscarawas County, State of

Ohio, Commissioner on the part of the defendants, and Jos. C. Hance, Esq., of New Philadelphia, on part of the complainant.

Interrogatory 1st. Are you acquainted with the parties in this suit?

Interrogatory 2d. Where did you reside in the month of June, 1846?

Interrogatory 3d. Do you know whether Joshua Nachtrieb, the plaintiff, left the Harmony Society during that month; and if so, at or about what time?

Interrogatory 4th. Were you present at a meeting of said Society, for worship, on Wednesday evening, in said month of June, A. D. 1846, at which George Rapp, now deceased, and said Joshua Nachtrieb were present, and at the conclusion of which said meeting for worship, a conversation took place between said Rapp and said Nachtrieb; and if you please, state that conversation, and how soon after did Joshua Nachtrieb leave the Society?

Interrogatory 5th. If any circumstances occurred to impress such conversation upon your recollection, please state the same?

Interrogatory 6th. Do you know or can you set forth any other matter or thing which may be a benefit or advantage to the parties at issue, in this cause, or either of them; or that may be material to the subject of this, your examination, or the matters in question in this cause; if yea, set forth the same fully and at large in your answer?

McCANDLESS & LOOMIS,
Defendant's Att'ys.

Cross-Interrogatories on part of Complainant.

Interrogatory 1st. What is your age now, and how old were you in June, 1848?

Interrogatory 2d. Have you been a member of the Harmony Society, at Economy, and if so, when and how long were you a member?

Interrogatory 3d. If you state that you were present at a meeting of said Society, held on a Wednesday evening, in June, 1846, be good enough to give a full and detailed statement of all that took place after the religious exercises had closed, with reference to the charges made against Joshua Nachtrieb, and relate fully what was said by any one in said meeting?

Interrogatory 4th. State if you know what Rapp and Nachtrieb said on the occasion of said meeting, and whether or not the Society was present while George Rapp was speaking; how and by whom was the matter introduced?

Interrogatory 5th. Did you hear all that was said upon that occasion by George Rapp and Joshua Nachtrieb; and did you hear the former say to the latter, that he had to leave the Society, or that it had been determined he should leave the Society?

Interrogatory 6th. What was the charge brought or stated by George Rapp to have been brought against Joshua Nachtrieb, on the occasion of the meeting you speak of?

Interrogatory 7th. Are any of your children in said Society, at Economy? if yea, how many and what are their ages? have you any brothers who are members of said Society? if yea, how many and what are their names?

Interrogatory 8th. Are you in the habit of visiting Economy? how many times have you been there within the last three years?

Interrogatory 9th. Did you pay particular attention to what took place at the meeting of which you speak, and do you pretend to remember all that was said at that time?

Interrogatory 10th. Do you know or can you set forth any other matter or thing, which may be of benefit or advantage to the parties at issue in this cause, or either of them? if yea, set forth the same fully and at large in your answer?

SHALER & STANTON,
Solicitors for Complainant.

Testimony of witnesses taken pursuant to and by virtue of the foregoing Commission.

George Miller, of the County of Tuscarawas, and State of Ohio, of lawful age, being first duly sworn, deposes and says, in answer to the several interrogatories in the foregoing commission, set down as follows:

Answer to interrogatory 1st, on part of defendants. I am acquainted with the parties in this suit.

Answer to interrogatory 2d, on the part of same. I resided at Economy, Beaver County, and State of Pennsylvania, in the month of June, 1846.

Answer to interrogatory 3d, for same. I know that Joshua Nachtrieb, the plaintiff, left the Harmony Society, during the month of June, 1846; at what time in said month I do not know.

Answer to interrogatory 4th, for same. I was present at a meeting of said Society, for worship, on Wednesday evening, in said month of June, A. D. 1846, at which meeting George Rapp, now deceased, and said Nachtrieb, were present, and I heard the following conversation between said Rapp and Nachtrieb, after the meeting closed. Mr. Rapp charged Nachtrieb with being guilty of holding correspondence and having communication with persons who had seceded from the Society, which said correspondence, Mr. Rapp said, was in violation of the rules of the Society; upon this Mr. Nachtrieb arose, and said, "Father, if this had not been done, it would not be done." Rapp replied, "There is no need for haste; you have eight days' time to consider." This conversation occurred on Wednesday, and on Friday of the same week, Joshua Nachtrieb left the Society.

Answer to interrogatory 5th, for same. There was no circumstance occurred to impress said conversation upon my recollection, except the conversation itself, that I remember.

Answer to interrogatory 6th, for same. I do not know anything more concerning this cause than what I have stated.

Answer to cross-interrogatory 1st, on the part of the complainant. I am the present time forty-seven years of age, and I was forty-two years old in June, 1846.

Answer to cross-interrogatory 2d. I was a member of the Harmony Society, at Economy, from A. D. 1840, to A. D. 1846, six years.

Answer to cross-interrogatory 3d. After the religious exercises had closed, old father Rapp charged Nachtrieb with having correspondence with persons who had left the Society, and said, that according to the rules this could not be permitted or suffered. Nachtrieb arose, and answered, "Father, if it had not been done, it should not be done." Rapp replied, "There is no hurry; you have a week's time to consider." I know nothing that was said by any other persons.

Answer to cross-interrogatory 4th. The Society was present while George Rapp was speaking; the matter was introduced by George Rapp in the manner as stated before, and they said what I have related above.

Answer to cross-interrogatory 5th. I heard all that was said on that occasion by George Rapp and Joshua Nachtrieb. I did not hear the former say to the latter, "that he had to leave the Society," nor "that it had been determined that he should leave the Society."

Answer to cross-interrogatory 6th. George Rapp stated that the charge brought against Joshua Nachtrieb was, that he, Nachtrieb, had had correspondence with those persons who had previously left the Society; this was stated at the meeting I have spoken of.

Answer to cross-interrogatory 7th. I have two children in said Society, at Economy, one aged eleven years, the other ten; I have no brothers who are members of said Society.

Answer to cross-interrogatory 8th. I have visited Economy twice since I left that place, five years ago, one of which visits was within the last three years.

Answer to cross-interrogatory 9th. I paid particular attention to what was said at the meeting I spoke of, and remember all that was said at that time.

Answer to cross-interrogatory 10th. I know of no other matter or thing which would be of benefit or advantage to the parties at issue in this cause, or either of them.

GEORGE MILLER.

ABRAM SHANE, and
J. C. HANCE,
Commissioners.

Judith Miller, of the County of Tuscarawas, and State of Ohio, of lawful age, being first duly sworn, deposes and says, in answer to the several interrogatories in the foregoing commission set down, as follows:

Answer to interrogatory 1st, on part of defendants. I am acquainted with the parties in this suit.

Answer to interrogatory 2d. I resided at Economy, in Beaver County, in State of Pennsylvania, in June, 1846.

Answer to interrogatory 3d. Joshua Nachtrieb left the Harmony Society during the month of June, 1846, at what time I do not know.

Answer to interrogatory 4th. I was present at a meeting of said Society, for worship, on a Wednesday evening, at which George Rapp, now deceased, and Joshua Nachtrieb were present. After the meeting closed, George Rapp charged Joshua Nachtrieb with having correspondence with those persons who had previously left the Society. Joshua Nachtrieb answered, "Father, if it had not been done, it would not be done." Rapp responded, "There is no cause for haste; you have the whole week to consider." Nachtrieb left the Society on the following Friday.

Answer to interrogatory 5th. There were no particular circumstances occurred to impress the conversation upon my recollection.

Answer to interrogatory 6th. I know of no other matter or thing relative to this suit, or the subject-matter of my examination.

Answer to cross-interrogatory 1st, on part of complainant. I am now forty-four years of age, and was, in A. D. 1846, thirty-nine.

Answer to cross-interrogatory 2d. I was born in said Society, at Economy, and remained a member until I was thirty-nine years of age.

Answer to cross-interrogatory 3d. After the religious exercises had closed at said meeting, on Wednesday evening, in June, 1846, nothing took place to my knowledge, and heard nothing said except what was said between George Rapp and Joshua Nachtrieb, as detailed in my examination in chief.

Answer to cross-interrogatory 4th. Rapp and Nachtrieb, at said meeting, said what I have before related. The Society were present while George Rapp was speaking. The matter was introduced by George Rapp.

Answer to cross-interrogatory 5th. I heard all that was said upon the occasion of the meeting. I did not hear Rapp say to Nachtrieb "that he had to leave said Society," nor "that it had been determined that he should leave the Society."

Answer to interrogatory 6th. The charge brought against Nachtrieb, as stated by Rapp, was, that he, Nachtrieb, had correspondence with persons who had left the Society.

Answer to interrogatory 7th. I have no children in said Society,

in Economy, but have three brothers in said Society; their names are Adam Gein, Jacob Gein, and Sylvester Gein.

Answer to cross-interrogatory 8th. I am not in the habit of visiting Economy; I have been there but once within the last three years.

Answer to cross interrogatory 9th. I paid particular attention to what took place at the meeting I have spoken of, and remember what was said there.

Answer to cross-interrogatory 10th. I know nothing more, which would be of benefit or advantage to the parties at issue, in this cause, or to either of them.

JUDITH MILLER.
ABRAHAM SHANE and
JOSEPH C. HANCE,
Commissioners.

John Miller, of the County of Tuscarawas, and State of Ohio, of lawful age, being first duly sworn, deposes and says, in answer to the several interrogatories in the foregoing commission set down, as follows:

Answer to interrogatory 1st, on part of defendants. I am acquainted with the parties in this suit.

Answer to interrogatory 2d, for same. I resided at Economy, Beaver County, Penn'a, in the month of June, A. D. 1846.

Answer to interrogatory 3d. Joshua Nachtrieb left the Harmony Society some time in the month of June, A. D. 1846.

Answer to interrogatory 4th. I was present at a meeting of said Society, for worship, on a Wednesday evening, in said month of June, 1846. George Rapp and Joshua Nachtrieb were present. At the conclusion of said meeting for worship, there was a conversation between Rapp and Nachtrieb, in which conversation Rapp charged Nachtrieb with having correspondence with persons who had left the Society. Joshua Nachtrieb answered, "Father, if it had not been done, it would not be done;" to which Rapp responded, "there is no cause for haste; you have the whole week to consider." Nachtrieb left the Society on the following Friday.

Answer to interrogatory 5th. There was no particular circumstance occurred to impress this conversation upon my memory.

Answer to interrogatory 6th. I do not know any other matter or thing that would be a benefit or advantage to the parties in this suit.

Answer to cross-interrogatory 1st, on part of complainant. I am now nineteen years of age, and in 1846 I was fourteen years old.

Answer to cross-interrogatory 2d. I have been a member of the Harmony Society, at Economy, seven years. I left in A. D. 1846.

Answer to cross-interrogatory 3d. After the religious exercises had closed, George Rapp charged Joshua Nachtrieb with having correspondence with persons who had left the Society. Nachtrieb replied that, "If it had not been done, it would not be done." Rapp

responded that, "there was no cause for haste, he had the whole week to consider." I heard no one else say anything at the meeting.

Answer to cross-interrogatory 4th. I heard nothing said by Rapp and Nachtrieb, except what I have before stated, on the occasion of said meeting. Rapp commenced the conversation. The Society were present.

Answer to cross-interrogatory 5th. I heard all that was said upon that occasion by George Rapp and Joshua Nachtrieb. I did not hear Rapp say to Nachtrieb that he had to leave the Society, nor that it had been determined that he should leave the Society.

Answer to cross-interrogatory 6th. The charge brought against Nachtrieb, as stated by Rapp, was, that Nachtrieb had had correspondence with persons who had seceded from the Society.

Answer to cross-interrogatory 7th. I have two sisters in the Harmony Society, at Economy, but no brothers or children.

Answer to cross-interrogatory 8th. I have visited Economy three times within the last five years.

Answer to cross-interrogatory 9th. I paid particular attention to what took place at the meeting I have spoken of, and remember all that was said at that time.

Answer to interrogatory 10th. I know of no other matter or thing which would be a benefit or advantage to the parties at issue in this cause, or either of them.

JOHN MILLER.

ABRAHAM SHANE, and
JOSEPH C. HANCE,
Commissioners.

The State of Ohio, Tuscarawas County, *ss.*

We, Abraham Shane and Joseph Hance, the Commissioners named in the commission, hereto attached, do hereby certify that the above named George Miller, Judith Miller and John Miller were, by us, duly sworn to testify the truth, the whole truth and nothing but the truth, in answer to the interrogatories and cross-interrogatories attached to said commission, and that the foregoing answers and testimony, by them, respectively subscribed, were reduced to writing by H. T. Stockwell, in our presence and under our direction, and that said testimony was taken at the town of Dover, in said County of Tuscarawas, on the 17th day of May, A. D. 1851.

ABRAHAM SHANE,
JOSEPH C. HANCE,
Commissioners.

United States of America, Western District of Pennsylvania, *ss.*

I, Henry Sproul, Clerk of the Circuit Court of the United States, for the Western District of Penn'a, do hereby certify that the foregoing is a correct, full and true copy of the depositions taken

at Canal Dover, Tuscarawas County, Ohio, taken before Abraham Shane and Jos. C. Hance, Commissioners, named by the parties.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said Court, at Pittsburgh, this 29th day of August, A. D. 1851.

[L. S.] H. SPROUL,
Clerk.

In the Circuit Court of the United States, for the Western District of Pennsylvania.

JOSHUA NACHTRIEB, *v.* ROMELIUS L. BAKER, et al. } No. 28, November Term, 1849. Chancery.

Depositions taken by consent at the office of J. E. Brady, in the City of Pittsburgh, on the 13th day of October, A. D. 1851. T. Umbstaetter, Esq., appearing for complainant, and A. W. Loomis, Esq., for respondents.

John Graham (sworn on part of respondents). I suppose in twenty-five we bought some land from the Economites, and the balance of the purchase-money was not paid till thirty-two. Stephen Phillips and myself bought it. The land lays above the mouth of big Beaver on the Virginia side of the Ohio river, Phillipsburgh is now on the tract. The original amount of the purchase money was, I suppose about twenty-two or three hundred dollars. The remainder in thirty-two was, thirteen hundred and three dollars and twenty-five cents, including debt, interest and costs. I don't recollect of having any conversation with Jacob Wagoner about it. That was the exact amount, at that time; we bought something over three hundred acres of land; we bought all the land they owned there.

JOHN GRAHAM.

Sworn and subscribed before me,

J. E. BRADY.

James Irons, Esq. (sworn). I am acquainted with Elijah Lemmix; I have had conversations with Mr. Lemmix before he left Economy. Some two or three years before he left, I can't tell the precise time, Mr. Lemmix wished to know of me what would be the probable result of the Society at the death of Mr. Rapp, whether there would be a break-up. I told him I thought not, that the Society would continue as it had been. He stated that he and several others, Joshua Nachtrieb, a Mr. Killinger, and I think a man by the name of Rawle, had thoughts of leaving the Society, and asked my advice whether it would be advisable to go then or after the death of Mr. Rapp; I told him if I were in their places, I would not leave where there was so much wealth, and they were concerned. He says

Is there no way that we could get at it, to have the property divided amongst us; I told him I knew of no way. He says I am determined to leave, whether we or I get a divide or not. I do not remember which of the two expressions he used. At another time in conversation, about a year or probably more, before he left, I was in his shop getting some repairs to my watch, he requested me to take one of his rifle guns with me home; I told him I had no need of it, I had a very good one. He said he had been notified by Mr. Rapp to bring the guns to Mr. Rapp's house, that he and some others were spending too much time with the guns, that Mr. Rapp did not know how many guns he had that when he went away, he could call at my house, and get it. I told him no, I would not be concerned. At another time, I was borrowing a small pair of match planes from Mr. Lemmix, he told me that he wished I would keep them at my house, that it would be all the way that he could procure any tools from the Society, also he wished me to take a mantel clock that he had, I told him I would not. One or two days after they had been caught at the limekiln, he says, Nachtrieb and myself are going away, and that Killinger had backed out. He asked me what he should ask from the Society, I told him I did not know. He says they have offered me two hundred dollars, and I am well satisfied, and have found a place to work already, at good wages, with Mr. Faber, in the upper end of Pittsburgh. He remarked, I am sorry you did not take those things and that he had no chance of getting any tools away from the shop without being discovered. Killinger in forty-five and forty-six, acted in the capacity of boss butcher. Lemmix stated to me in the last conversation, that the object of the meeting at Legionville, was to have some divide of the Economy property, or to devise some plan of getting away. (Evidence excepted to by counsel for plaintiff, as incompetent, and irrevelant).

Cross-examination. The first conversation with Lemmix was in forty-three, or forty-four; I can't tell exactly. Lemmix was a man that I was well acquainted with, and with whom I had frequent conversations, and intercourse in business. At that time he was engaged as a boss in a carpenter shop, and in the capacity of a repairer of clocks and watches. I knew nothing wrong in the Society in regard to him, I heard no complaints against him at that time; he was middling industrious—I could not say what his age was at that time. I do not remember that he expressed any dissatisfaction with the Society, as the reason why he wanted to leave; he had three rifle guns at that time. One of the guns he told me, a Mr. Graham, a gunsmith of Freedom had made for him, and that Mr. Baker had paid for it, the other two he had procured the barrels, locks and mounting, and had finished them in the shop of the Society himself; I saw him working at them, I don't know how he got the match planes;—they were in the shop; the same planes I borrowed a few days ago, from the boss that is now in the shop; I do not know whe-

ther they were the property of Lemmix or not. I do not know whose property the mantel clock was, unless it was his, or the property of the house.

Question. Did Lemmix, in either of the conversations, assign any reasons why he wanted to leave the Society?

Answer. Not that I remember of.

Question. Were these statements made by him to you in a friendly and confidential manner?

Answer. They were.

Question. When did you inform Mr. Baker, for the first time, of what Lemmix had told you?

Answer. I think in forty-three or four, before Lemmix left the Society, soon after the conversation occurred.

The last conversation was one or two days after the meeting at Legionville. I did make an effort to dissuade him from going away in the last conversation. He had not gone yet.

Question. Why did you inform Mr. Baker of what Lemmix had told you as a friend?

Answer. Because I considered it my duty.

Question. What interest had you in the Society at that time?

Answer. I hadn't any interest in the Society.

Question. Have you been doing business with the Society since that time?

Answer. I have, sir; my business with them has been supplying them with coal for their factories, and such like; at one time my dealings with them were extensive; of late they have not been so much so.

JAMES IRONS.

Sworn and subscribed before me,

J. E. BRADY.

David Smith. I knew Elijah Lemmix before he left the Economy Society; he told me he intended to leave the Society, let the matter be what it would, or the consequence be what it would; he said Joshua Nachtrieb and some others were going with him, and that they intended to get all they could from the Society before they left; this was inside of a year before Lemmix left; he told me that he wanted to get some tools taken from Economy; he could pack up his tools in a box, to a good deal of value; a good deal of amount that a man could carry away under his arm, if he could get myself or some other friend to take them; I told him I couldn't do anything for him in that case.

[Evidence excepted to by plaintiff's counsel.]

Cross-examination. I didn't see the tools of which he spoke, and don't know what they were, nor to whom they belonged; this was inside of a year before he went away, perhaps six or nine months;

he said he wanted to get a wife, as he was prohibited from getting one at Economy; that was the only reason he assigned; he was engaged at that time, and a considerable time previous, as a machinist; I was in frequent intercourse with him; he was a man of considerable genius in that line; there was something said about guns—he made himself; he wanted one of the guns taken away.

his
DAVID + SMITH.
mark

Sworn and subscribed before me,

J. E. BRADY.

David P. Scott. I knew Elijah Lemmix before he left the Economy Society; he talked to me about going away, but said he wouldn't go away if he thought Mr. Rapp would die away soon; this was something like a year before he went away; he said it was hard to tell how long Mr. Rapp would live, and he didn't know that he would wait.

(Excepted to by plaintiff's attorney.)

Lemmix continued in the Society about a year after this conversation; I was acquainted with Lemmix; he said if he was away from the Society, he thought he could make money—that he could make good wages.

D. P. SCOTT.

William McDonald. I knew Elijah Lemmix before he left Economy; near a year before he went away, he told me he had some tools which he wanted me to take care of, so that he could take them away from the Society when he would leave; I told him I didn't know anything about that, that I would go and ask my father, Captain John McDonald; I asked my father, and he said I should have nothing to do with them, that they should not come about the house; I saw Mr. Lemmix afterwards; I don't recollect distinctly what I told him; I told him—I told, my father would'nt have anything to do with the tools, that he wouldn't let the things come there at all; my father lived across the river, directly opposite to Economy.

(Excepted to by plaintiff's counsel.)

Cross-examination. He told me they were clock-maker tools; some few tools that he wanted to take away; I don't know whose tools they were, nor who had made them.

WM. J. McDONALD.

Sworn and subscribed before me,

J. E. BRADY.

John McDonald, sworn. I heard the deposition of my son, William McDonald, which was taken this morning.

Question 1. Please state whether he, William, said anything to you about the tools mentioned in his deposition, and if so, what?

Answer. My son came to me and said that a man of the name of Lemmix or Leonard Lemmix wanted to leave some tools, or bundles, or packages, I can't recollect what, but I think it was tools, at my house; that he wanted to leave Economy, he and another man; and that I told my son to have nothing to do with it; that if he was to hide anything it would be as bad as them that would steal it away.

[Last answer excepted to.]

I know Jacob Wagoner, and knew him when he lived in the Economy Society. I never had one word of conversation with him with respect to Joshua Nachtrieb leaving the Society, to the best of my knowledge. I never did tell him that Joshua Nachtrieb was compelled to leave the Society. I never knew that he was compelled to tell him. I never told him that the Economites had done wrong in relation to Joshua. I never had any conversation with him about it.

In the hatter shop, one day, I was getting my hat ironed or pressed; Joshua Nachtrieb asked my advice, what he should do in case he would go away—that he thought when Mr. Rapp would die there would be a division of the property, that the times would be different; I told him that he had lived there a long time; if he thought that was the case, if I was in his place, I would stay to his death, and have an equal divide of the property. He replied to me that he had thought of that, but he said he will live so long. That is all I recollect about it. None present but ourselves at that conversation.

Both Nachtrieb and Lemmix, after the conversation with my son in relation to the tools, came to me in the carpenter's shop, and inquired of me whether they could have some tools left with me, and I told them that they could not. They never made any such application before that time to me.

[Excepted to by plaintiff's counsel.]

Cross-examination.—I am the same John McDonald whose deposition has been taken before in this case.

JOHN McDONALD.

Sworn and subscribed before me.

J. E. BRADY.

Enos Hill. I heard Joshua Nachtrieb, the plaintiff in this case, say something about the costs in this case. I said, Joshua, I am afraid this case will injure you, it will cost so much. He said, There are so many of us, that if I do lose it, it can't hurt me very much. This was a good while since this suit was brought.

Cross-examination. It might be very near a year ago. I think it was this spring, about the first of April.

ENOS HILL.

Sworn and subscribed before me.

J. E. BRADY.

George Miller, sworn. I live in Tuscarawas County, Ohio. Something came into my mind some two or three hours after my testimony was taken before Hance and Shane, in Tuscarawas County, in this case. After answering the fifth interrogatory, in my former deposition, I wish this to be added, as it came to my mind afterward. "After the Wednesday evening meeting, spoken of in that answer, I went home to my own house. After I got home I said to Sylvester Guyer, as I went to bed, nothing pleases me more than that space or opening is left to Joshua Nachtrieb, that he can reunite to the Society, if he chooses. Guyer was at the Wednesday evening meeting—what transpired at the meeting was the cause of my making the remark to Guyer. We all regretted that Joshua Nachtrieb should leave—he was liked by the whole Society."

Question. Did any person from Economy come to see you before your deposition was given before Mr. Hance and Esquire Shane?

Answer. Yes. Sylvester Guyer came out to Tuscarawas County to see me. He asked us simply whether we could not remember what had been said between Father Rapp and Joshua Nachtrieb on that Wednesday evening, when the matter of the plaintiff was brought before the Society. We told him, Oh yes—we could remember that particular night. We then told him what we have already testified to. He didn't ask anything more. On the next morning after the Wednesday evening meeting, Catharine Hansen, now the wife of the plaintiff, came to my house in Economy, and said to Judith Guyer, sister of Sylvester Guyer, above mentioned: "Now Joshua Nachtrieb has given notice to Father Rapp that he would leave and that she would leave too." Then said Judith Guyer "Surely you won't go with him and become his wife." She answered "No, Joshua had said she might take care of him as housekeeper as long as she lived." Joshua and his wife were cousins. Joshua left the next day, to wit, on Friday morning, between nine and ten o'clock. She went with him. I don't know how soon they were married after that, but I know that in a year after that she had a child.

[Excepted to by plaintiff's counsel.]

Cross-examination.—I am forty-seven years of age past. I was a member of the Economy Society six and a half years. I came there in thirty-nine, and left on the 18th August, 1846. Judith Guyer left with me. She is now my wife. We were married on the 19th August, 1849, the day after we left. I was married when I went there in 1839; had then three children, and one afterwards by my first wife. The last one was born in December, 1843. My wife died the third day of December, 1845. I have two daughters now at Economy, they are minors.

Question. Why did you leave the Society?

Answer. Because every one knows that if he wants to marry there is no remaining there, and therefore we left. It was against the laws of the Society to marry, and that was the reason why I left.

[The above question and answer excepted to by A. W. Loomis, because it is not a cross-examination to anything upon which the witness was examined in chief.]

The Wednesday night meeting above spoken of, continued about one hour and a half. The whole Society was present. It was not known to me that Nachtrieb's case would come up. Nachtrieb's matter was taken up after the religious exercises. Old Father Rapp called Nachtrieb up, and charged him with having had a secret communication with outsiders. He did not name them by name. That was all that was charged against him. Then Joshua got up, and said: Father, if it had not happened, it should not happen again. Then Mr. Rapp says: Why, there is no such hurry about it; you have a whole week's time to consider.

Question. You state that Joshua got up and said, "Father, if it had not happened, it should not happen again," and that Rapp replied, "Why there is no hurry about it." To what did Rapp allude when he said there was no hurry about it?

Answer. I cannot state myself what the sense of it was. My understanding is, that he should be faithful to the Society, and have no more to do with the outsiders.

Question. Don't you remember that Rapp told Nachtrieb at that meeting, that he must leave the Society?

Answer. No, he did not say that.

Question. Did not Nachtrieb plead to stay, and did not Rapp tell him: "No, even your own father don't want you any longer."

Answer. Nachtrieb said nothing but what I have stated before. That is all he said. Rapp did not say, "Even your father don't want you any more." I remained until the meeting broke up.

Question. How does it happen that you are here to-day?

Answer. I had learned that two men at Canal Dover had given testimony that I had said that Nachtrieb had been sent away on account of marrying, just like myself. I then went at once to Economy, not being acquainted in Pittsburgh, and asked Mr. Baker whether it was so, and came up with Mr. Baker to-day. That is the way I happened to come up with Mr. Baker, in order to hear what these men had sworn or testified. The two men I allude to are Monk and Bohringer.

GEORGE MILLER.

Sworn and subscribed before me.

J. E. BRADY.

In the Circuit Court of the United States, in and for the Western District of Pennsylvania.

JOSHUA NACHTRIEB
v.
ROMELIUS L. BAKER et al.

No. 28, November Term, 1849. In Chancery.

Interrogatories to be propounded to witnesses to be produced,

sworn, or affirmed, and examined on the part of the defendants in the above cause, before a commissioner to be named in a commission to be issued out of said Court to the City of Philadelphia.

Interrogatory 1st. Are you acquainted with the parties to this suit, or either, and which of them? and if yea, how long have you known them, or either, and which of them?

Interrogatory 2d. Have you been in the employment of the Bank of the United States, chartered by Congress? in what capacity, and for how long during the existence of its charter? are you now familiar with the books of said bank? have you examined them with reference to the subject-matter of the following interrogatories?

Interrogatory 3d. During the corporate existence of the said bank so chartered by Congress, was there or was there not, any stock in said bank owned by or held in the name of George Rapp, or Frederick Rapp, or the Harmony Society? If aye, state how many shares, what date purchased, and the value thereof?

Interrogatory 4th. Do you know any other matter or thing material to the defendants in this cause? if so, state the same fully, as if you had been thereto particularly interrogated.

WILSON M'CANDLESS,
Attorney for Defendants.

Oct. 22d, 1851.

I certify the foregoing to be a true copy of the interrogatories filed.

H. SPROUL,
Clerk.

State of Pennsylvania, City of Philadelphia, *ss.*

Depositions of witnesses, produced, qualified according to law, and examined on the several days stated in their respective examinations, at the office of John Binns, in the City and State above written, by virtue of a commission issued from the Circuit Court of the United States, for the Western District of Pennsylvania, in the Third Circuit, addressed to John Binns, Esq., of the City of Philadelphia, for the examination of witnesses in a certain cause depending in said Court, wherein Joshua Nachtrieb, a citizen of the State of Ohio, is complainant, and Romulus L. Baker, and other citizens of Pennsylvania, are respondents.

The commission and interrogatories are hereto annexed.

Herman Cope, aged sixty years and upwards, the Trustee of the Bank of the United States, and formerly an assistant cashier therein, being affirmed to make true answers to all such questions as shall be asked upon the interrogatories annexed to the commission, without favor or affection to either party, and therein to speak the truth, the whole truth, and nothing but the truth, doth depose and say as herein and after set forth.

To the 1st interrogatory on the part of the defendants, witness answers:

I am not acquainted with either of the parties, I believe.

To the second interrogatory on the part of the defendants, witness answers:

I was in the employment of the Bank of the United States, chartered by Congress in the year 1816, as third assistant cashier, and had charge of the suspended debt and real estate department, from the spring of 1826 to the close of the charter. I am not familiar with the books of the said bank generally, but have examined the stock ledgers of the said bank in reference to the subject-matter of these interrogatories.

To the third interragatory of defendants, witness answers.

During the corporate existence of said bank, so chartered by Congress, I am not aware that George Rapp, Frederick Rapp, or the Harmony Society held any of the capital stock therein, and from an examination yesterday of the stock ledgers, I did not find the name of either of the said parties as stockholders therein at any period.

To the fourth interrogatory of defendant, witness answers:

I do not know any other matter or thing material to the defendants in this cause.

HERMAN COPE.

Affirmed, examined and subscribed at the office of John Binns, on the 7th November, 1851, before me.

JOHN BINNS,
Com.

Charles Thomas, aged 44 years and upwards; his profession that of a clerk, and resident of the City of Philadelphia, being sworn to testify the truth, the whole truth, and nothing but the truth, without favor or affection to either party, in answer to the several questions which shall be asked, doth depose and say, as is hereinafter set forth.

To the first interrogatory of defendants, witness answers:

I am not acquainted with either of the parties to this suit.

To the second interrogatory of defendants, the witness answers:

I have been in the employment of the Bank of the United States, chartered by Congress in 1816, in various capacities, for a period of between three and four years immediately antecedent to the expiration of said charter. I am familiar with the books of said Bank, and have them in my charge at this time. I have examined them in reference to the subject of the following interrogatories.

To the third interrogatory of defendant, witness answers:

During the corporate existence of said Bank, so chartered by Congress, the name of George Rapp or Frederick Rapp, or the Harmony Society, do not appear on the said books as stockholders, as they would if they or any of them, at any time, had owned stock in said Institution.

To the fourth interrogatory of defendants, witness answers: I do

not know of any other matter or thing material to the defendant in this cause.

C. THOMAS.

JOHN BINNS,
Commissioner.

Sworn, examined and subscribed at the office of John Binns, on the 7th day of November, 1851, before me.

JOHN BINNS,
Commissioner.

Adjourned to November 8th, 1851, at 9½ o'clock A. M.

COMMISSIONER'S OFFICE,
Nov. 8th, 1851, at 9½ o'clock A. M.

Thomas S. Taylor a witness produced on the part of the defendants, a resident of the County of Philadelphia, aged 49 years, and by profession an accountant, being sworn to testify the truth, the whole truth and nothing but the truth, without favor or affection to either party, in answer to the several questions which shall be asked, doth depose and say as is hereinafter set forth.

To the first interrogatory of defendant, the witness answers: I am not acquainted with the parties, or either of them.

To the second interrogatory of defendant, witness answers: I have been in the employment of the Bank of the United States, chartered by Congress in 1816, in the capacity of a clerk. I was in the bank in that capacity from January 1827, until the expiration of its charter in 1836. I was and am familiar with the books of said bank, and I have examined them with reference to the subject-matter of the following interrogatories.

To the third interrogatory of defendant, witness answers: I have no knowledge of there having been any stock in said bank owned by or held in the name of George Rapp or Frederick Rapp, or the Harmony Society. I have examined the books of the said bank, and there is not on them any account or record of any stock being held or owned by the said parties or either of them from the commencement of the charter to its termination, as there would have been if any or either of the said parties had been stockholders.

To the fourth interrogatory of defendant, the witness answers: I do not know any other matter or thing material to the defendant in this cause.

T. S. TAYLOR.

JOHN BINNS,
Commissioner.

Sworn, examined and subscribed at the office of John Binns, on the 8th day of November, 1851, before me.

JOHN BINNS,
Commissioner.

I, Henry Sproul, Clerk of the Circuit Court of the United States for the Western District of Pennsylvania, do hereby certify the foregoing to be a true copy of depositions taken in the City of Philadelphia, by John Binns, Commissioner, on the part of the defendants in the case wherein Joshua Nachtrieb is plaintiff, and Romulus Baker et al. defendants, now on file in this office.

[L. S.] In testimony whereof I have hereunto set my hand, and affixed the seal of the said Court, this 11th day of November, A. D. 1851.

H. SPROUL,
Clerk.

Certificate of the Recorder of Beaver County.

Pennsylvania, Beaver County, *ss.*

I, William McCallister, Recorder of Deeds, &c., in and for said County, do hereby certify, that I have made diligent search in the Recorder's Office at Beaver, and cannot find in the books and documents therein, any mortgage recorded in favor of Frederick Rapp, from Stephen Phillips and John Graham, or any other person previous to or during the year 1832.

In testimony whereof I have hereunto set my hand and affixed the seal of said office at Beaver, the 13th day of September, A. D. 1851.

WM. McCALLISTER,
Recorder.

Certificate of Prothonotary of Beaver County.

State of Pennsylvania, Beaver County, *ss.*

I, John Collins, Prothonotary of the Court of Common Pleas, in and for said County, do certify that there were no judgment or judgments against Phillips & Graham, in favor of the Harmony Society, or in favor of any one for them, in 1832, nor previous to that time, entered of record in said County.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Beaver, the 13th day of September, A. D. 1851.

JOHN COLLINS,
Prothonotary.

Certificate of the Treasurer of the Allegheny Bridge Company.

On the 28th day of May, 1823, Abraham Zeigler transferred to Frederick Rapp eighty shares of the capital stock of the St. Clair Street Bridge—par value $2,000.

This was transferred to George Rapp by R. L. Baker, Adm'r, on the 2d June, 1836.

And the same was transferred to David Shields by R. L. Baker, Att'y, as follows:

Oct. 28, 1839, forty shares, and Nov. 25, 1839, forty shares.

After that period no stock was held in this Company by the Economy Society.

The above is all the stock that appears by the books of the Allegheny Bridge Company, to have belonged to either Frederick or George Rapp.

JOHN HARPER,

PITTSBURGH, Sept. 16, 1851. Treas. Allegheny Bridge Co.

It is agreed that the foregoing statement of John Harper, Treasurer of the Allegheny Bridge Company, shall be received in evidence in the case of Nachtrieb *v.* Baker et al., in the Circuit Court of the United States, the same as though regularly proven by his deposition in the cause, subject to all exceptions to the relevancy and competency of the testimony.

C. SHALER & Co.,

October 15, 1851. For Complainant.

Copy of Complainant's Receipt; filed with Answer.

To-day I have withdrawn myself from the Harmony Society, and ceased to be a member thereof. I have also received from George Rapp two hundred dollars as a donation, agreeably to contract.

JOSHUA NACHTRIEB.

ECONOMY, June 18, 1846.

Memorandum at foot of this:

"Further ten dollars given as travelling money."

The above receipt, original in German, on file, at Economy, in handwriting of Romelius L. Baker, signed by Joshua Nachtrieb, is a correct translation of the original, and is offered and produced by defendants, and is admitted by complainants, subject to all exceptions as to competency and relevancy of the same, pursuant to call in the bill.

TH. UMBSTAETTER,
For Complainant.

Copy of Replication; filed September 25, 1850.

JOSHUA NACHTRIEB
v.
ROMULUS BAKER and others.

No. 28. T'm, 1849.

And now comes the said Joshua Nachtrieb by his counsel, and says that the matters in his bill of complaint set forth are true, and

that all the matters in the answer of the defendants set forth contrary thereto, are untrue; and this he is ready to verify, when and where the Court shall direct.

SHALER & STANTON,
For Complainant.

Decretal Order.

In the Circuit Court of the United States in and for the Western District of Pennsylvania.

JOSHUA NACHTRIEB
v.
ROMELIUS L. BAKER et al.

No. 28. November T'm, 1849. In Chancery.

This cause came on to be heard upon the bill, answer, exhibits, and testimony, and was argued by counsel; and the Court, being fully advised in the premises, find the law and equity to be with the complainant. It is thereupon ordered, that the case be referred to Henry Sproul, as special master and commissioner, herein to take further testimony, and report upon the following points (notice being given the parties of the time and place of taking such testimony):

1st. That he take an account of the value of all the estate of the Harmony Society, whether real, personal, or mixed, and of their rights, credits, stocks, moneys, or effects, as the same were on the 16th day of June, A. D. 1819, and on the 16th day of June, A. D. 1846.

2. That he also take an account of the number of persons, members of said Society, entitled to a community of property at each of the respective periods above mentioned.

3. That he also take and state an account of what would be a just and fair compensation for the labor and services of said complainant, from the 16th day of June, A. D. 1819, to the 16th day of June, A. D. 1846, deducting all money paid and property received by him from said Society, and also making allowance for the value of whatever boarding, clothing, or other necessaries furnished him by the Society within the period aforesaid, stating specifically the items of such deduction and allowance, so far as practicable.

4. And to the end that said account may be taken, it is ordered that said Commissioner may enter upon the premises of said Society, with a view to ascertain the value thereof, and cause the value of the same, and of the property in their possession, to be estimated, and that the said defendants be required to produce before the Commissioner, upon oath, all the books, vouchers, accounts, agreements, bonds, notes, deeds, writings, and papers within their custody, possession, or control, containing evidence pertinent to the subject of this reference.

5. That the complainant may also examine the defendants, or either of them, before the Commissioner, on oath, touching the subjects of this reference, and they are ordered to make full, true, and perfect answers, and full discovery to such inquiry.

6th. It is ordered that the Commissioner make his report, together with the testimony that shall be taken by him, on or before the 1st of October next.

Filed April 15th, 1852.

Master's Report.

In the Circuit Court of the United States for the Western District of Pennsylvania.

No. 28, of November Term, 1849, in Equity.

JOSHUA NACHTRIEB, a citizen of the State of Ohio, *v.* CORNELIUS J. BAKER & al., citizens of Penna.

To the Honorable the Judges of the Circuit Court of the United States, for the Western District of Pennsylvania. Henry Sproul, Master and Commissioner, duly appointed by your Honorable Court, on the 15th day of April, A. D. 1852, in the above cause, to take further testimony and report upon the following points: (Points from No. 1 to No. 6, inclusive, contained in the foregoing decretal order).

In compliance with the decree and order made by your Hon. Court, I proceeded to the investigation of the several points submitted to me for examination and report, and the counsel for both the complainant and respondents being present during the long and protracted investigation and the examination of witnesses, and every facility afforded me to examine the property, books, and papers in the possession of the Society, I would respectfully report as follows:

1st. That the real and personal estate, rights and credits of the Harmonie Society, as it existed on the 16th day of June, 1819, so far as I could ascertain the same, a Schedule of which is hereto annexed, from page 1 to page 12, amounted to $368,690 92.

That the real and personal estate of the Society, rights and credits, as it existed on the 16th of June, 1846, so far as I could ascertain the same, a Schedule of which is hereto annexed, from page 13 to 32, amounted to $901,723 42.

2d. That in June 16th, 1819, there were two hundred and nineteen male and two hundred and fifty-three female members of the

Harmonie Society entitled to a community of property at that date. That on the 16th day of June, 1846, there were one hundred and thirty-seven male and one hundred and eighty-four female members entitled to a community of property; a list of their names is hereto appended, from page 33 to page 58.

3. To the 3d point submitted to the master for his examination and report, viz.: To state an account of what would be a fair compensation for the labor and services of the complainant, from the 16th day of June, 1819, to the 16th day of June, 1846, deducting all monies paid, and property received by him from said Society, and also making allowance for the value of whatever boarding, clothing, and other necessaries furnished him by the Society within the period aforesaid, stating specifically the items of such deductions and allowance, as far as practicable.

From the testimony herewith submitted, it appears that the complainant was employed in the Society as follows:

Nine years as a teamster (or thereabouts), say from June, 1819, to June, 1827; about two years learning the hatter trade; and the balance 16 years as a hatter, and that his services world be worth in those various employments as follows:

9 years as teamster, at $12 per month including his boarding, ...	$1,296 00	
Deduct from this sum for clothing furnished by the Society, 9 years @ $30 per year, ...	270 00	
		$1,026 00
I allow him for two years while learning his trade as a hatter, the Society furnishing him all necessaries, $40 per year, ...		80 00
For 16 years as a hatter and foreman of a hatter shop, $6 per week, or $312 per year, ...	$4,992 00	
Deduct boarding for 16 years, . .	1,248 00	
" clothing, washing, &c., . .	560 00	
		3,184 00
		$4,290 00
Deduct from this sum, cash received and property taken by complainant when he left the Society, ...		275 00
		$4,015 00

4. To the 4th part of the order to take this account, I would respectfully report that I was permitted to enter upon the premises,

and make every examination of the property, books, and accounts of the Society that I desired, and every facility was afforded me to make a full report upon the same.

5th. That the complainant did examine on oath, one of the defendants, a copy of whose testimony in print is herewith submitted.

6th. To the sixth part of the order of the Court, viz.: that the master and commissioner make his report together with the testimony taken by him, on or before the first day of October next, I would respectfully report that by consent of the parties, further time was allowed me to make out this report.

All which is respectfully submitted.

H. SPROUL,
Master and Commissioner, U. S. C. C., S. D., Penn'a.

Master and Commissioner's fees,	$1,500 00
U. S. Haven printing test.,	125 00

Testimony taken by Master and Commissioner, and submitted by him with his report as follows, to wit:

In the Circuit Court of the United States for the Western District of Pennsylvania.

JOSHUA NACHTRIEB,
A citizen of the State of Ohio,
v.
ROMELIUS L. BAKER and others,
Citizens of the State of Pennsylvania.

No. 28 of Nov. T. 1849. In Chancery.

Before H. Sproul, Master, and a Commissioner of said Court, under and by virtue of a decree made in the above cause.

In pursuance of an adjournment by the said Master, the parties met at Economy, in Beaver County, in the Western District of Pennsylvania, on the 3d day of August, A. D. 1852.

E. M. Stanton and T. Umbstaetter, Esqs., for complainant, A. W. Loomis and Wilson M'Candless, Esqs., for defendants.

Romelius L. Baker, affirmed. I have been a member of the Harmony Society since I became of age. I am now fifty-eight years and upwards. I have resided at Economy since 1825. I am acquainted with the lands of the Harmony Society at Economy. The memorandum marked 1 contains a statement of the land and the quantity in each field, as accurate as I could make it from the deeds and patents, and the woodland, as stated in the aggregate made out

on said memorandum. Memorandum No. 2, is a correct statement of the items therein named, as reported to me by the members of the Society, and which I believe to be correct. No. 3, is an accurate account of the articles stated in said paper, with the value thereof at the time (June, 1846). No. 4, contains certain goods, grain and liquors belonging to the Society, with the value thereof, to the best of my knowledge, in June, 1846. No. 5, contains all the live stock belonging to the Society, with the value thereof, in June, 1846, so far as I could at this time ascertain the same from the members, a portion of which, bought in May, 1846, were purchased by myself in Ohio, as stated in said paper. No. 6, contains sundry articles which belonged to the Society in June, 1846, with the value thereof, from the best information I could obtain from the books and members of the Society. No. 7, contains all the farming utensils belonging to the Society in June, 1846, and the value thereof, from the best information I could obtain. No. 8, contains a list of the machinery and stock in the silk factory and other factories, so far as stated in said paper, with the value thereof, to the best of my knowledge. No. 9, contains tavern furniture and sundry items, and is correct as stated in said paper, to the best of my knowledge, and the value thereof. No. 10, is a correct account of the articles of furniture in one house composed of five members, according to the best information received from the members in said family, and which I believe to be correct; the Society at that time consisting of 321 male and female members, and I think would be a fair average of the whole. No. 11, is sundry articles owned by the Society in June, 1846, with a correct valuation of the same, to the best of my knowledge. No. 12, contains a correct list of the debts due the Society, and stocks owned by them in June, 1846. No. 13, contains a correct statement of silk goods reported by Mr. Henrici, and which I believe to be correct. In June, 1846, we had in cash five hundred and ten thousand dollars. No. 14, deposits, as follows:

Merchant's and Manufacturers' Bank at Pittsburg, - - -	$1,750 08
Bank of Pittsburg, - - - - - - - - - - -	4,593 69
Sibbet & Jones, Pittsburg, - - - - - - - - -	533 47
	$6,877 24

In the foregoing statement or papers I have stated all the property belonging to the Society, except clothing and bedding, to the best of my knowledge and the information I received on the subject, in June, 1846.

No. 15, contains a statement of all the property owned by the Society in June 1819, so far as I could ascertain the same, subject to an error of $1000, to be added to the aggregate; and the valuation is correct, as far as my judgment and recollection at this time could give it. The cost of the land is taken from the books of the Company, and is, I believe correct, to wit: $66,834 10. No. 16, is the list of

membership (and was made out by Mr. Henrici), entitled to a community of property in 1819, and 1846, and to the best of knowledge is correct.

The complainint reserves all exceptions to the testimony of Mr. Baker, on the ground of interest, and, subject to these exceptions, cross-examines as follows:

1. Question. What business and duties have you been engaged in since you have been a member of the Society? State particularly in regard to each of your duties or employments.

Answer. My father joined the Society in 1805, at the beginning, when I was between eleven and twelve years of age. In the winter time I went to school. In the summer of 1805 I worked on the farm. In 1806 I worked in the brick-yard. In February, 1807, I was taken to the store to be a storekeeper; in that capacity I remained till the present time, during which time I traveled a great deal on business. Went once to Germany on business for the Society.

Frederick Rapp was the general agent of the Society up to 1834; at his decease the Society executed a power of attorney to George Rapp, appointing him general agent; under that power George Rapp substituted Mr. Henrici and myself sub-agents. At the death of George Rapp, in August, 1847, the Society appointed a board of elders of nine persons, two of which were to be trustees for the transaction of the exterior business. The two persons, appointed trustees, were Mr. Henrici and myself, and so remained till this time.

2. Question. Are the employments of storekeeper, sub-agent, under George Rapp; and agent under the appointment of elders; all the employments, or duties, you have been engaged in during your membership, and since you went into the store? If there were any others, state them so.

Answer. As to temporal duties I have stated all, except if there was anything to be examined into among the members, such as Nachtrieb going to the lime-kiln, Mr. Rapp would call on some of the older members of the Society, of whom I would be one. It also included attention to lawsuits. After the death of Mr. Rapp, Henrici was appointed speaker or preacher to the Society, but resigned in 15 months; I was then appointed and continued so to this time.

3. Question. When you went into the store, what was your age; where was the Society located; and what duties did you perform in the store?

Answer. My age was thirteen years, three months, and fourteen days. The store was in Harmony, Butler County, Pennsylvania. My duties were the same as any other of the same age in the store.

4. Question. Who, besides yourself, was engaged in the store, when you went into it, and what duties were performed by that person or persons?

Answer. Frederick Rapp was the principal person, and John C. Luttig was clerk. We three would sell goods to the people out of the Society, and issue the necessaries for the Society. Purchases were made by Rapp and Luttig.

5. Question. What accounts were kept in the store at the time you commenced, and by whom?

Answer. There was a day-book and ledger kept in the store, principally by Luttig. In the day-book we all made entries after I became acquainted with the English writing. Luttig posted the ledger first; Frederick Rapp and I began to post after I was a few years in the store.

6. Question. Were the purchases, made for the Society, entered in the day-book and ledger?

Answer. The purchases were entered in the invoice-book, and from that entered into the ledger.

7. Question. How were the necessaries, furnished to the members of the Society, charged?

Answer. They were furnished to the heads of families, for the purpose of examinining, that an equality might be kept up as much as possible. When an article was got for a particular member of a family, it was designated by his name, sometimes.

8. Question. How were the accounts kept as to the credits of the members for their work?

Answer. There were no credits for their work, except the mechanical branches.

9. Question. Please explain, how the credits were kept for the mechanical branches, and what those branches were at the time you commenced in the store.

Answer. I have no distinct rocollection of a separate mechanical book kept at the commencement; after some time there was one kept.

10. Question. Before commencing to keep a separate mechanical book, were there any credits for mechanical work?

Answer. I do not recollect of any.

11. Question. When were separate mechanical books commenced to be kept, and what were they?

Answer. As near as I can recollect, about the year 1808. There were blacksmith, shoemaker, wagonmaker, and weaver; these were among the first branches, and gradually they increased to distillery, tan-yard, carding-machine, oil-mill, and tailor; and, towards the last of our term in Butler County, we had hatter, saddler, fulling mill, woolen factory, and cooper, and we sold flour,—all these branches were kept in the mechanical book.

12. Question. Were the accounts of the branches you have mentioned kept each in a distinct book for each branch, or in a general book?

Answer. They were entered in one book called the Mechanic book.

13. Question. By whom was that book kept, and for what purpose?

Answer. It was kept in the store by the persons having charge of the store—kept like the day-book; and each mechanic was charged as he received whatever was furnished for his branch of business; (the entry was made to the trade.) This account was made kept to ascertain to what extent each mechanical branch did with the exterior.

14. Question. What credits were entered in that book?

Answer. The money received by the foreman of that branch and deposited in the store, also articles that were taken to the store for sale (after supplying the Society), either wholesale or retail; nothing else that I know of. Such articles as were furnished for the members or the shops were not entered in the mechanical book, but generally returned at the end of the year, by the head of the shop, to the store.

15. Question. Were any credits entered to the members of this Society for the work done by them?

Answer. None.

16. Question. Why was the money received by the head of the mechanic shops deposited at the store, and how often were they required to make their deposits?

Answer. Because they were charged for articles received. There was no particular time fixed to make the deposits. The tavern-keeper would usually make his deposits once a month; the mechanic shops not often receiving much money, would keep what they received until they had $10 or $15 or more, and then deposit it at the store, except during Frederick Rapp's life-time; these deposits were mostly made with him, and the store deposits also.

17. Question. When deposits were made from the mechanic shops at the store, what entries were made and in what books, in regard to these deposits?

Answer. The credit would be entered in the mechanic book to the branch that produced it.

18. Question. You say that every year a return would be made of the articles furnished by each mechanic branch, to the members of the Society; what was the object of that return?

Answer. In the first place to ascertain the quantity consumed by the Society, and to keep an eye to the equal distribution.

19. Question. In what manner was an eye kept to an equal distribution, and by whom?

Answer. Annually, by the foreman of the shop.

20. Question. In what manner did it become necessary for him to make a return to the store, in order to keep an eye to that regular distribution?

Answer. In the first place, the branch required a credit for the articles furnished; and an account of the articles furnished to each

family, as also the accounts of the mechanics, were laid before George Rapp annually.

21. Question. Who laid these accounts before George Rapp, and what was done by him with these accounts annually?

Answer. The store-keeper laid the accounts before Mr. Geo. Rapp. I do not know what he did with them; but I heard that he burned them from time to time.

22. Question. Who did you hear it from that he burned them, and when did you hear it the first time?

Answer. I heard it from himself; I have no recollection of the first time, the last time, or the middle time. I recollect, after I had been in the store two or three years, that one of those yearly accounts was read to the Society, where each family's name was mentioned and what they had consumed, for the purpose of establishing equality and preventing extravagance.

23. Question. How or in what manner was equality established, and by whom, if it appeared that one family had consumed more than another?

Answer. Having commenced on an equality, if one family consumed more than another it was the duty of the leader to admonish the extravagant to good economy, as it also was the duty to each foreman to avoid partiality and extravagance. For instance, there were snuff-takers amongst the members at first; the question was raised by the non-consumer of snuff what he must consume to be equal with the snuff-taker, and the best of my recollection it was decided that none of them should snuff, and then they would be equal. This was done by the leader as a father does to his children. Sometimes an instance would come before Mr. Rapp of extavagance being detected, when he would notify the store or other branches that such a person or family was extravagant, and to guard against it. This is all that I know to establish equality.

24. Question. You say that during Frederick Rapp's life-time the store deposited its money with him; how frequently were those deposits required to be made, and where did he keep them?

(The last branch of this Question is objected to by defendants' counsel.)

Answer. There was no fixed time; we would generally let from $200 to $400 accumulate before we took it to him. He kept them in his own possession, and also deposited at times in bank.

25. Question. You say that George Rapp informed you that he burned the annual statements; what did those statements contain or show that were burned by him?

Answer. In the first place, the mechanical or family accounts, factory accounts, &c.

26. Question. How were the accounts made out, and by whom?

Answer. Sometimes on paper and sometimes in a little blank-book; they were always made out by the store-keeper.

27. Question. Did they show the annual expenditure and income of the Society and the increase of property for the year?

Answer. They generally did.

28. Question. When was the first knowledge you had of Mr. Rapp burning the accounts?

Answer. The first time I heard of it was in 1818, when the book of deposits was burned.

29. Question. Were the annual statements annually burned after that time?

Answer. I believe so, from the fact that we could not find any when we were called on to render an account in this case.

30. Question. What was the book of deposits that you speak of as having been burned in 1818?

Answer. It was the book containing the amount of contributions of the members, from the beginning.

31. Question. Who examined the annual returns made from the mechanical shops, besides Mr. George Rapp, during his lifetime?

Answer. The store-keeper had the first chance; he made them out. I understood that Mr. Rapp would communicate their contents to the Elders, sometimes; to no one else that I know of.

32. Question. How long did Luttig remain in the store after you first went there as store-keeper?

Answer. As near as I can recollect, he remained there a year and a half. We had not a knowledge of the English language, and he instructed us; he was not a member of the Society; we employed him.

33. Question. In what language were the accounts kept?

Answer. In the English, from the time I went to the store.

34. Question. After Luttig left, who took charge of the store?

Answer. Frederick Rapp kept the superintendence of it. John Rapp, a younger man, was put in for an assistant; he remained four years in the store. Dr. William Smith was a short time in the store during the four years before John Rapp died; no other persons were in the store during that time. John Riechart succeeded John Rapp, and Dr. Smith remained in the store; he continued until September, 1814, when he went to the Wabash. Reichart continued off and on in the store till his death, in 1832. My brother John was in the store some time, in Butler County, about one year with Smith and myself, and Reichart and myself. Reichart and I, after John's departure, got a man by the name of Eply, in the store, during the winter, some six months. The store on the Wabash was commenced in 1814, and a branch at Butler continued until the whole Society removed to the Wabash, in the spring of 1815. My brother John continued in charge of the store from the time he went to the Wabash, in 1814, to the time he came to Beaver County, in 1824; he died in July, 1825. Dr. Smith was with John and myself in the store on the Wabash, two years. There were several young men assistants in the store. Conrad Fuecht, who is dead, and Philip Ben-

del, who now lives in Freedom; he was in the store from 1823—he left in 1832. Halbert Schalle was also in the store about two years; he is now dead. David Kennig was also in the store on the Wabash a short time; he is now at Pittsburgh. No other that I recollect. After my brother's death, I took the general superintendence of the store under Frederick Rapp, until his death; after his death, under George Rapp, Henrici and myself had charge of it, and have had till the present time, as before stated.

35. Question. Did the deposit-book which you speak of as being burned in 1818, contain anything but the account of the contributions of the members?

Answer. I cannot tell.

36. Question. Did you ever hear of it containing anything else?

(Objected to by defendant's counsel.)

Answer. I never heard of it containing anything else. The young people never got to see that book. The reason why it was burned was, because the young people inquired of their parents frequently how much they had contributed to the Society, and the older portion of the community disapproved of it. I asked my father myself how much he had contributed; he looked at me with surprise, and said: "If you stay in the Society you have a share in it, but if you go away I have laid in nothing for you." These questions put by the young men, gave rise to the burning of the book, as the Society was aiming to fulfil the words spoken by the Apostle, I do not recollect which, I think it was Paul, to be of them that had goods as though they possessed them not, and them that had wives, as though they had none.

37. Question. In whose possession was the book of contributions kept?

Answer. I cannot tell; it was kept by George and Frederick Rapp. John Bamesburger put the book in the stove; I saw it put in the stove.

38. Question. Do you know of any other book kept in the Society, being burned or destroyed?

Answer. I do not know of any.

39. Question. Were there any other books of the Society in which accounts were kept, except the mechanic's book, and books in the store?

Answer. The foreman of each mechanical branch kept a book or books for his own satisfaction; I know of no other books of accounts. We have books in which we have our Articles of Association.

40. Question. When deposits were made by the mechanical shops, or by the store to Frederick Rapp, were the amount of those deposits charged to him?

Answer. The store generally kept a memorandum of them.

41. Question. What kind of a memorandum was kept of them?

Answer. It might be called a kind of cash book.

42. Question. Was he charged with the amounts received by him?

Answer. No.

43. Question. In what manner was the kind of a cash book mentioned by you kept?

Answer. The entry was generally made, Cash delivered.

44. Question. Who made that entry?

Answer. Generally the person who made the deposit.

45. Question. Who had possession of the book?

Answer. The storekeeper for the time being.

46. Question. When money was paid out or deposited by Frederick Rapp, what entries were made?

Answer. I do not know of any entry except the bank book; or if money was paid out for cotton or wool, the entry was made in the invoice book.

47. Question. Do you know of any money being received by Frederick Rapp during his lifetime, of the Society's, that was not entered in the cash book?

Answer. Yes.

48. Question. State what moneys they were?

Answer. Moneys received by remittances from a distance; as for instance, when a man who owed us a debt would send a bill of exchange on Philadelphia or some other place; also when sales wholesale and retail to Pittsburgh would be settled by notes and collected by the bank, and not be entered on the cash book; also remittances from Germany would go through his hands, and not be entered on the cash book.

49. Question. How would he be charged on the books of the Society, or what evidence would the Society have that he received such moneys?

Answer. He was never charged, he would not be charged, and his word would be taken for the fact of his having received it.

50. Question. To whom was his word given of such facts?

Answer. To those concerned.

51. Question. Who were they?

Answer. Those who received money from Germany. He would be the correspondent with the agent, and his word that he had received it, and the confidence placed in him, was fully sufficient for those concerned, as his position as agent of temporal matters was considered a parental one—the same as George Rapp in spiritual matters; and the mode in which they left their temporal concerns has fully satisfied the Society that their confidence was not deceived, but placed upon worthy men. For instance, such remittances as above spoken of would be received by him, and he would come to the store and tell us to credit the money to the firms who had remitted the money.

52. Question. When money was received by him for property sold

or debts due the Society, to whom would word be given that he had received such sums of money?

Answer. Mostly to George Rapp; I have heard him inform him that he had received money. He did not generally make any return unless required to.

53. Question. After Frederick Rapp's death, to whom were the store deposits and mechanic shop deposits made?

Answer. The deposits from the mechanics were made in the store, where we kept the books, and the store made its deposits in the iron safe in George Rapp's house.

54. Question. Whose charge were these deposits in?

Answer. In the charge of myself and Henrici, sub-agents under George Rapp.

55. Question. How often were these deposits made?

Answer. Whenever there was a sufficient sum to make it worth while; from two to four hundred dollars.

56. Question. When deposits were made from the store, was there any entry made in any book or other memorandum, of the amount deposited?

Answer. There was entry made.

57. Question. By whom was such entry made, in what book, and who had possession or charge of the book?

Answer. The entry was made by myself, or Mr. Henrici, as no one else had access to the iron safe. The book is called the Cash book; that book is in the store, in the possession of the person in charge of the store.

58. Question. After Frederick Rapp's death, who made the sales of the produce of the lands, factories, workshops, and other property of the Society?

Answer. The storekeeper.

59. Question. Were all the sales made at the store?

Answer. No—but were made by the stoorekeeper, Henrici, and myself, or by the other storekeeper, when we were not there.

60. Question. What other storekeepers were there, after Frederick Rapp's death, that were authorized to deal for the Society to any large amount?

Answer. Lucius Woolfingle—he was put an apprentice in the store, in 1832—but he was not authorized to deal largely, but attended only to retail business for some time. He has remained in the store ever since, until last week he went into the field, in consequence of his health being bad. No one else.

61. Question. After Frederick's death, who made out the annual statements for George Rapp?

Answer. The sub-agents, Henrici and myself.

62. Question. Did Henrici and yourself both participate in making out the annual statements every year?

Answer. Yes, unless prevented by sickness or absence.

63. Question. What part of such statements was made out by you, and what part by Henrici?

Answer. We had no rule as to that; whoever had the most leisure, commenced with the family accounts, and proceeded with the mechanic and factory accounts. The accounts of sales of cattle, grain, and such things, were kept in the store, and the rendering of these accounts spoken of, closes the year.

64. Question. What season of the year were those accounts made out and rendered to George Rapp?

Answer. At the close of the year, at the last of December, the accounts would be dated.

65. Question. Did these accounts show the state and condition of the Society, in regard to its property and effects, at the end of each year?

Answer, No.

66. Question. What did it show?

Answer. An apparent balance of the operation of the past year. This balance was not generally realized by the sales, as we relied more on the actual sales as shown by the sales-book, as the estimated price in the account rendered of the woollens was seldom realized, and often attended with losses.

67. Question. Please state the general heads of accounts contained in those annual statements.

Answer. Family accounts, mechanical accounts, cotton, woollen, and silk factories' accounts, and the Society accounts—those are all the heads of the accounts.

68. Question. Please state what was embraced in family accounts.

Answer. Store goods furnished the families, and whatever they drew out of the store, not including clothing or bedding.

69. Question. What was embraced in the mechanical account?

Answer. The gross sum of expenses of each branch, and its income and its balance.

70. Question. What was embraced in the cotton, woollen and silk factory accounts?

Answer. Their expenses, income and balance.

71. Question. What was embraced in the Society accounts?

Answer. Expenses in the shape of iron, nails, lumber, machinery, glass and paper, salt, cattle, horses, &c., articles which did not belong to any other particular branch. The income in the shape of those sold, such as flour, whiskey, cattle, horses, old machinery, sometimes hay, &c., and the balance struck.

72. Question. What account in that statement embraced the purchases made for the store?

Answer. No one.

73. Question. Why was it not exhibited in any of the statements?

Answer. It was never accounted for from the beginning; and on the Wabash, where we were doing the most business, the storekeepers

wanted to keep and render an account of the store, but it was not allowed by the Mr. Rapps—they said the store should not appear, and we have pursued that course ever since.

74. Question. What account exhibited the amount of cash received during the year, or on hand and on deposit?

Answer. The separate cash account.

75. Question. Please to state what that separate cash account was, referred to in the preceding answer.

Answer. It contained the cash on hand, and the solvent claims.

76. Question. Was that account made out and exhibited annually to Mr. Rapp?

Answer. I think it was mostly at the time the annual statement above referred to was made out.

77. Question. Who made out the cash account?

Answer. Mr. Henrici and myself.

78. Question. Was any other account or statement made out, except the cash account and annual statement above referred to?

Answer. I do not know of any other. The interest and dividends on stocks were included in the cash account.

79. Question. What did the cash account include—was it the cash receipts and solvent accounts of the year, or all the cash on hand, or all the solvent accounts due to the Society?

Answer. It included all the cash on hand, and all the solvent debts.

80. Question. In making out the family account for the annual statement, from what did you take it?

Answer. From the family store book.

81. Question. In making out the mechanic account, from what did you take it?

Answer. From the mechanic book.

82. Question. In making out the factory accounts, from what did you take them?

Answer. From the factory books. Each factory had a book for expenses—an account in the mechanic book. The goods manufactured were furnished on a sheet of paper by the foreman generally.

83. Question. Were the goods that were manufactured entered in any book?

Answer. Yes, they were mostly so entered in separate books, one called the woollens' book, silk book, and cotton book.

84. Question. What else was entered in those books referred to, except the account of goods that were manufactured by each factory?

Answer. I know nothing else.

85. Question. Who were the entries made by in those books?

Answer. By the storekeeper, Mr. Henrici, and myself.

86. Question. What account in the annual statement exhibited the grain and produce of the land, raised during the year?

Answer. It was not presented in any account.

87. Question. Why was it not embraced in the annual statement?

Answer. Because the Society was at all times furnished first with flour, meat, horse and other feed, and of the farm products generally, and only the surplus sold and entered in the general sales book, with the manufactured goods, a book kept in the store, sales book, which contains all sales flour, cattle, goods, &c. As the Society never paid any wages to its members, no account was kept of the provisions or clothing consumed by them.

88. Question. Was the surplus unconsumed produce of the lands included in the sales' books of the store?

Answer. Yes, as far as they were sold.

89. Question. If a store account had been embraced in the annual statement, would not the amount of produce sold have appeared?

Answer. It would not. For instance, flour is credited to the mill, and sold at the mill, and the proceeds of the mill are treated as the proceeds of the blacksmith shop, or any other branch; and cattle sold off the farm, although sold by the store, would not enter into the merchandize account.

90. Question. What account in the annual statement showed the quantity of flour sold during the year?

Answer. The Society account.

91. Question. What showed the account of grain and hay sold?

Answer. The Society account.

92. Question. What account showed the cattle or other provisions sold during the year?

Answer. The Society account.

93. Question. What account showed the liquor or spirits sold during the year?

Answer. The Society account.

94. Question. What was the Society account made out from?

Answer. From its place in the mechanic book, and from the sales and invoice book, that were kept in the store.

95. Question. In making out the cash account, how was the amount of cash ascertained, as stated in that account?

Answer. To give a full view of it, I would have to refer to the revolution that occurred in 1832. To make the payments to the seceding party in 1832 and '33, I heard Frederick Rapp say that he sent all the specie to the bank, that was on hand at Economy, except a few thousand dollars of gold, perhaps four or five thousand; I do not recollect distinctly. He also said, that, in order to make the last payment, he had to borrow ten thousand dollars. When he (Frederick) died in June, 1834, upon investigation, we found, to the best of my recollection, from 15 to 20,000 dollars of specie on hand in all, including gold and silver, towards the close of 1835. Mr. George Rapp, who was then the General Agent, directed that I should bring some specie home from Pittsburgh; I think it was ten thousand dollars I brought home first, and more at sundry other times afterwards; I also brought home from Philadelphia, at three dif-

ferent times—one time 110,000 dollars—the two other times I do not distinctly recollect the amount; but continued to gather, up to the period of 1846, in all, five hundred and ten thousand dollars. Since that period we did not gather any more; kept the capital active, that is, what was coming in from time to time from that period. The specie on hand at the end of each year would appear in that cash account, together with our paper money on deposit in banks.

96. Question. When you came to make out the cash account for the annual statements, what did you take it from?

Answer. The first would be the balance on hand from the prior year, and then the money in banks, and what had been taken in during the past year.

97. Question. How did you ascertain the balance on hand the preceding year?

Answer. By adding those three items together—that is, the specie on hand, and deposits in banks, and the money on hand, from the current business of the year.

98. Question. Where did you find the items to add together?

Answer. Specie on hand would be found on a memorandum of the prior year, and money of the current year would be counted and added, as well as bank deposits.

99. Question. Where did you find the memorandum showing the balance the preceding year?

Answer. In the iron safe.

100. Question. Who had the charge of the iron safe?

Answer. Mr. Henrici and myself.

101. Question. Was the memorandum deposited in the iron safe?

Answer. Yes.

102. Question. Who deposited it there?

Answer. Sometimes myself, sometimes Henrici. A few days before the death of George Rapp, I heard Mr. Rapp say that he did not want any more specie than about the sum of five hundred thousand dollars, and directed the memorandum to be burned, and Mr. Henrici told me he did so.

103. Question. How many keys had the iron safe?

Answer. Two, but both lay in the same place.

104. Question. Who had charge of those keys, and where were they kept?

Answer. Henrici and I had charge of them; they were kept in Henrici's room, where he slept.

105. Question. How long before George Rapp's death was it, that you heard him say he did not want any more specie than 500,000 dollars?

Answer. He said so at different times. I cannot say when he first said it.

106. Question. Who was it he said it to?

Answer. Henrici and myself.

107. Question. On what occasion was it he said it, and what were you and Mr. Henrici and Mr. Rapp doing at the time?

Answer. I recollect that he said it on one occasion, when I was returning from Philadelphia or Pittsburgh, with some money.

108. Question. On what other occasions did you hear him say it?

Answer. To the best of my recollection, at the period when the yearly accounts would be laid before him.

109. Question. How long was it before Mr. Rapp's death, that he directed the yearly accounts to be burned?

Answer. He often spoke of it, but of the precise time he directed Henrici to do it, I do not know.

110. Question. When was it you heard him direct them to be burned?

Answer. I have stated that Henrici told me that he directed him to burn them; I did not hear the direction.

111. Question. Do you mean to say that you never heard Mr. Rapp direct the yearly statements to be burned?

Answer. I have no recollection that I heard Mr. Rapp direct Henrici to burn them; but it was several times spoken of in my presence.

112. Question. Who spoke of it in your presence?

Answer. Mr. Rapp.

113. Question. What was it he said about it? Give his language as near as you can recollect.

Answer. The language I cannot give, but the spirit of the language was, Not to set your hearts on, and forget?

114. Question. What were you not to set your hearts on, and what were you to forget?

Answer. The money and the amount; on the same principle upon which the fathers would not tell their sons the amount of the original contributions, and upon the same principle upon which the book containing the original contributions was burned in 1818, and on the expression of the New Testament, where it is stated that the followers of Christ should possess their goods as though they possessed them not.

115. Question. Who were present when this was spoken by George Rapp?

Answer. Henrici and myself.

116. Question. Was it on the occasion on which the yearly statements were presented?

Answer. Such is my recollection; but he preached such doctrine from the pulpit.

117. Question. Down to what time were the yearly statements kept in the iron safe?

Answer. I can't distinctly answer; I kept no memorandum of the time.

118. Question. State as nearly as you can, how long before George Rapp's death was the last time you knew of their being in the safe?

Answer. About two or more years; I cannot be positive.

119. Question. How many more than two years might it have been, according to the best of your recollection?

Answer. I could not say.

120. Question. Did you see Henrici burn them?

Answer. I did not.

121. Question. How long before George Rapp's death did he tell you that he burned them?

Answer. The burning was frequently talked of, but of the precise time that he burned them I have no recollection. I did hear him say that Mr. Rapp himself had burned the yearly statements, except the cash account.

122. Question. When was it you heard him say that?

Answer. I heard him say it at different times; don't recollect the precise time.

123. Question. How long before Rapp's death was the first time you heard him say, as near as you can recollect?

Answer. I do not remember more than what I have stated.

124. Question. Was it as much as two years before Rapp's death, do you think?

Answer. It is probable, but I can't say. These things were seldom talked of; Mr. Rapp did not often talk of them.

125. Question. How came Mr. Henrici to tell you that Mr. Rapp had burned the yearly statements? where were you and he at the time, and what were you doing?

Answer. In giving an account of the property in this suit, we commenced searching for papers at Mr. Rapp's house, and it was on that occasion he fully stated it. Mr. Henrici was living with Mr. Rapp at that time, and he lived with him from 1834.

126. Question. Had he ever fully stated it before the occasion above-mentioned?

Answer. I think he made some mention of it before; but as Mr. Rapp did not keep his papers in strict order, I expected some might be found yet.

127. Question. How long before do you think he made mention of it to you?

Answer. It was some time before Mr. Rapp's death.

128. Question. And how came he to make mention of it to you?

Answer. To the best of my recollection about two years before Mr. Rapp's death, about the time the cash account was absent from the safe. I think it was the occasion of the annual statement,

when the cash account was not forthcoming, he stated that Mr. Rapp did not want any more accounts kept—the survivors would get all that was left.

129. Question. Where were you and Mr. Henrici at the time he made mention of this?

Answer. We were much together; I do not distinctly recollect whether it was at Mr. Rapp's or at the store.

130. Question. Were you looking for the cash account at the time?

Answer. Yes, either looking or inquiring for it.

131. Question. You say that on the occasion of searching for papers at Mr. Rapp's house, Henrici fully stated that the yearly accounts had been burned by Mr. Rapp; if he had not made a full statement before that time, but had merely made mention of it as stated in your answer to a subsequent inquiry, please say what mention he did make of it, and all that he said to you about it previous to the search for papers.

Answer. As I mentioned before, it was at sundry times talked of; but I have no more particular recollection than I gave, as stated before.

132. Question. When was it that Henrici told you he burned the cash account; how long before Rapp's death?

Answer. I cannot positively say; as I have stated before, it was absent from the iron safe about two years before Mr. Rapp's death—I mean George Rapp. I give these statements from the best of my recollection.

133. Question. On the occasion of the annual statements, when you were either looking or inquiring for the cash account, did Henrici then inform you that he had burned it?

Answer. To the best of my recollection, he did.

134. Question. Did you make out any annual statement that year?

Answer. I think we did; it did not embrace the cash account or large deposit.

135. Question. State what it did embrace?

Answer. The family, mechanic, factory and Society accounts, and probably the cash on hand for the current year.

136. Question. How many accounts were made out previous to George Rapp's death, that did not embrace the cash account?

Answer. I can't positively say; two, three, or more.

137. Question. In making out the solvent debts that appeared on the cash account, where were they taken from or how did you ascertain the amount?

Answer. From the books kept in the store, and from the memorandum or book of bonds, mortgages and judgments.

138. Question. In whose possession was that book?

Answer. It was generally kept in the iron safe.

139. Question. Were these debts, after the cash account disappeared from the iron safe, included in the annual statements made to Mr. Rapp?

Answer. I think so, to the best of my recollection.

140. Question. Since Mr. Rapp's death, have annual statements been made by you and Mr. Henrici?

(Objected to by defendants' counsel on the ground that it is not embraced in the decree of the Court.)

Answer. Yes.

141. Question. In whose possession are the annual statements since the death of George Rapp?

Answer. In the iron safe in the possession of myself and Henrici?

142. Question. Who were those statements made out by, and to whom have they been exhibited?

Answer. By Henrici and myself, and exhibited to the Board of Elders.

143. Question. When was the first statement made out after the death of George Rapp?

(Defendants' counsel instructed the witness not to answer any of the last four questions, because the complainant is not entitled to an account since June, 1846, and is not embraced in the decree of the Court on which the Master is acting. Witness declines answering in pursuance of advice of counsel.)

144. Question. What amount of money was on hand at the time of George Rapp's death?

(Witness refuses to answer, because it is after 1846, by advice of his counsel.)

145. Question. Where are the two, three, or four annual statements which you speak of as having been made out before George Rapp's death, and after Henrici informed you that he had burned the cash account?

Answer. I have not seen them; I do not believe they are in existence.

146. Question. What reason have you for believing they are not in existence?

Answer. Because I do not recollect to have seen them, and believe them to be burned.

147. Question. Who do you believe burned them?

Answer. Either George Rapp himself, or Henrici, by his direction.

148. Question. What reason have you for believing that Geo. Rapp burned them, or Henrici, by his direction?

Answer. Because it is conformable to the frequent conversations of Henrici and Rapp which transpired about burning papers.

149. Question. What reason would there be for burning them?

Answer. The same general reasons above given; it would be a first rate plan to forget and expunge.

150. Question. What bank was it you heard Frederick Rapp say that he had sent all the specie at Economy to that was on hand, except a few thousand dollars of gold, as stated in a preceding answer?

Answer. I don't recollect that he mentioned the bank; but I believe he done his business mostly in the branch of the United States, at Pittsburgh.

151. Question. Previous to that time, was it customary to keep money on hand on deposit at Economy?

Answer. Yes.

152. Question. What kind of money was kept on deposit at Economy—specie or bank notes?

Answer. Both.

153. Question. Was the bulk of the cash assets of the Society, before 1832, kept at Economy, or elsewhere?

Answer. The bulk was deposited in banks elsewhere.

154. Question. In what banks were moneys deposited?

Answer. Branch of the United States, at Pittsburgh; Bank of Pittsburgh, and, I believe, there was sometimes some in the United States Bank, at Philadelphia. I think in the Bank of Kentucky, at Louisville; we made a good many sales down there, and we got the merchants to deposit. We sometimes had an account with the North Western Bank of Virginia, at Wheeling. I do not recollect any other.

155. Question. At the death of Frederick Rapp, in June, 1834, where was the money kept that was on hand at that time?

Answer. I understood it was kept in a vault in Mr. Rapp's house. So I understood. I had not been in the vault at that time.

156. Question. How was the amount at his death ascertained?

Answer. The vault having been emptied in 1832, there was but little on hand, and that was in boxes in the room, with the iron safe, to the best of my recollection.

157. Question. If you never had been in the vault previous to Frederick Rapp's death, how do you know it was emptied in 1832?

Answer. I found my knowledge upon what Frederick Rapp said, that the specie had all been sent to bank, except the gold before stated, and with this gold and what silver we found in boxes after F. Rapp's death, Henrici and I, as sub-agents, commenced the cash account as before stated, and continued on from that time on that basis.

158. Question. How many boxes of silver were there?

Answer. I do not recollect distinctly.

159. Question. Did you open the boxes and count the silver coin, or did you estimate the amount from the number of boxes?

Answer. The amount contained in each box was marked on it in

the handwriting of Frederick Rapp, and taken for such by the sub-agents.

160. Question. Was the gold in the same room with the silver?

Answer. I do not recollect distinctly, but I think it was.

161. Question. What was the number of boxes of silver?

Answer. I do not recollect.

162. Question. Were those boxes opened prior to June, 1846?

Answer. I think they were.

163. Question. Who opened them, and when?

Answer. George Fleckhammer opened some at the time when they were removed to a vault. Generally myself or Mr. Henrici present.

164. Question. How long was it after F. Rapp's death, were they removed to a vault, and to what vault?

Answer. I cannot state precisely the time, but I think it was in the year 1835, when I brought home the first specie from Pittsburgh, as I stated before. The vault was in Mr. Rapp's house—a different part of the house from that where it had been formerly kept. It had been kept in a room on the ground floor.

165. Question. How many boxes of silver coin were opened, and what was the object of opening them on that occasion?

Answer. I cannot say whether they were all opened or not; I think they were, for the purpose of counting and repacking in stronger boxes.

166. Question. Who counted and repacked it?

Answer. Henrici and myself.

167. Question. How much was there in each box?

Answer. I do not recollect.

168. Question. How many boxes was it repacked into?

Answer. I do not recollect; we were not particular about the number of packages, as the amount, which was from $15,000 to $20,000, and which formed the basis of the cash account, was included in the gross sum of $510,000, before stated.

169. Question. Has it remained in the vault since you placed it there?

Answer. I understood it was removed by Fleckhammer. It proved to be too damp.

170. Question. When was it removed by Fleckhammer, and under whose supervision, and by whose direction?

Answer. Under George Rapp's supervision and by his direction. So I understood.

171. Question. Where was it removed to?

Answer. To another dryer vault in or near his house; I can't say precisely. I do not know where the vault is.

172. Question. Was any other money besides the $15,000 or $20,000 removed at the same time?

Answer. I understood that all on hand was removed at the same time, and placed in a dryer vault.

173. Question. In what year did this removal take place?

Answer. I cannot tell.

174. Question. When and from whom did you hear of its removal?

Answer. I cannot say; neither can I say whether I heard it from Mr. Rapp or Mr. Henrici. I tried to follow Mr. Rapp's rule to forget as far as practicable.

175. Question. How long, before Mr. Rapp's death, were you informed of the removal?

Answer. I have no recollection; I did not charge my memory with it at all.

176. Question. When you heard of the removal of the coin from the first vault to the drier vault, did you hear what amount of coin had been removed?

Answer. I did not hear the amount, nor never have heard the amount stated of what was removed.

177. Question. What was the gold contained in that was on hand at the time of Frederick Rapp's death?

Answer. I am not positive, but to the best of my recollection, it was in a bag in a box.

178. Question. Was the amount of it marked on the box, or how was it ascertained?

Answer. I think there were some figures marked on the bag; but we counted it and put some more in it before stowing it away.

179. Question. Who counted it, when, and what was done with it after you counted it?

Answer. I stated before, in the year 1835, after bringing some specie from Pittsburgh, that, with other, was put into the vault.

180. Question. How long did it remain there?

Answer. I cannot tell.

181. Question. What became of it after it was put into the vault?

Answer. It was taken out of the first, and put into the second vault, and is included in the aggregate reported before.

182. Question. Who had charge of the keys of the first vault?

Answer. To the best of my knowledge, there were no keys to it.

183. Question. How was it secured or fastened?

Answer. By a square stone.

184. Question. Who had access to it, or the means of opening or closing it?

Answer. It was under the direction of George Rapp; neither Mr. Henrici nor myself ever had access to the vault. My impression is, the money was secured there, and was not opened until it was removed to the second vault.

185. Question. Do you mean to say that you have now no knowledge or information when that removal took place; or, how long it

was before George Rapp's death, nor where the vault, to which the money was removed, is located?

Answer. I have no knowledge or information of the time when the removal took place; I have no knowledge or information as to where the vault is located.

186. Question. Have you any knowledge or information as to what amount or value of coin was removed from the first to the second or dry one that you refer to?

Answer. I have none; but its contents are a portion of the aggregate reported of $510,000. I kept a strict account of the additions from time to time?

187. Question. Have you any knowledge or information as to how much gold or silver coin was in the second vault, before the coin on hand at Frederick Rapp's death was removed from the first and placed in the second?

Answer. I have none.

188. Question. How came you to be informed of the removal of the coin from the first to the second vault?

Answer. I think Fleckhammer and I were talking of the duration of wood, and, I think, he mentioned at that time that the dampness of the vault made it necessary to remove the deposits.

189. Question. How came you and Fleckhammer to be talking of the duration of wood at the time he informed you that the money had been removed from the first to the second vault?

Answer. I have no recollection of how.

190. Question. Where were you and he at the time the conversation took place?

Answer. I don't recollect; we were so often together that I don't recollect.

191. Question. State all the conversation that took place between you and him at that time.

Answer. I know nothing else than what I have stated.

192. Question. What did he say about the duration of wood?

Answer. I don't recollect.

193. Question. What did he say about removing the boxes of money?

Answer. That, in consequence of the dampness of the vault, the boxes began to decay. I know myself that wood in a damp place, without air, will soon rot.

194. Question. Was that the only reason that he gave for removing the boxes from one vault to the other?

Answer. That is the only one that I have any recollection of.

195. Question. You say that the removal was made by the direction of George Rapp. How do you know that it was by his direction?

Answer. I did not hear the directions given. I infer from the position of George Rapp as General Superintendent, that neither

myself nor any other true member would interfere in business belonging to him exclusively, without his knowledge, permission, or direction; that's all.

196. Question. What was Fleckhammer's trade, and what business was he engaged in in the Society at the time you and he talked about the duration of wood, when he informed you that the money had been removed?

Answer. His trade was a stone-cutter. He was living with Mr. Rapp at that time. He was the General Steward about the house, attending to house matters about the family for Mr. Rapp, and was his coachman. He was a close observer of matters of husbandry and the duration of wood, as he made fences sometimes.

197. Question. Can you give any instance of his close observation upon the duration of wood beyond those that would be made by any other stone-mason, coachman, steward, or man that built fences sometimes?

Answer. I know he was passionately fond of black locust—more so than the common run of men of his standing; that's all.

198. Question. What instances can you give of his passion for black locust?

Answer. The posts which were set to tie his horses to, in the yard, were of that wood; and I think I heard him say, on other occasions, that no other wood should be used for fence posts, and that black locusts ought to be planted.

199. Question. At what time did you hear those opinions expressed by Fleckhammer?

Answer. I have no particular recollection of the time or times, but we often spoke of such matters.

200. Question. Are the reasons above stated the only reasons you can give for your consulting Fleckhammer in regard to the duration of wood, on the occasion when he mentioned the removal of the money?

Answer. I have no recollection of a consultation. It was a mere conversation, as I stated before.

201. Question. Can you give any other reason than you stated, why you and he should at that time have conversed about the duration of wood?

Answer. I cannot.

202. Question. Please state, as nearly as you can recollect, the time and place of that conversation.

Answer. I think I stated before that I did not know whether it was at the store or at Mr. Rapp's, as we were often together. To the best of my recollection, it was one or two years before the death of Mr. Fleckhammer.

203. Question. When did Mr. Fleckhammer die?

Answer. I think in 1842 or '43.

204. Question. Had you never heard of the removal of the money

from the first to the second vault, mentioned by you, until Fleckhammer mentioned it?

Answer. I had not. I would not be consulted on those matters: it was not my business. My business was to collect, bring home, and hand over.

205. Question. To whom was it your business to hand over?

Answer. To the General Superintendent, George Rapp.

206. Question. Were you never consulted with, by him, in regard to the way or manner in which the moneys of the Society should be kept?

Answer. I was not.

207. Question. Did you never hear him express any opinion on that subject?

Answer. Not that I have any recollection of.

208. Question. Did you not consider it a part of your duty as a member of the Society, and as sub-agent, intrusted with the management of its affairs, to pay any attention to the manner in which its moneys were taken care of?

Answer. I did not consider it my duty.

209. Question. What did you consider to be your duty in regard to the moneys of the Society, during George Rapp's lifetime?

Answer. I take care of such moneys as were under my care in the store, before deposits were made, together with the care and attention of outstanding debts, and deposits in banks elsewhere, and safe investments otherwise.

210. Question. You say that in 1835 you brought home one hundred thousand dollars from Philadelphia or Pittsburgh. From which of those two places did you bring it?

Answer. I did not say so; nor did I bring that much that year.

211. Question. How much did you bring that year?

Answer. Ten thousand dollars, as I stated before, from Pittsburgh. I think from the Branch Bank of the United States.

212. Question. What time in the year did you bring it?

Answer. It was in the latter part of the year. It was cold weather. I think it was in December: it might have been the latter part of November.

213. Question. Had that money been on deposit in that bank?

Answer. It had accumulated by the collection of business notes for goods sold. There might have been some deposits made by us.

214. Question. Was it all the money in the bank belonging to the Society, at the time you drew it?

Answer. I have no distinct recollection, but I think it was not.

215. Question. What is your recollection as to the amount of money then in the bank belonging to the Society?

Answer. I have none.

216. Question. In whose name did the money stand on the books of the bank?

Answer. In the name of George Rapp.

217. Question. In whose name did the moneys of the Society stand on the books of the banks with whom business was transacted?

Answer. It was in Frederick Rapp's name during his lifetime, and, after his death, in George Rapp's name, until he died. The business of the Society was always carried on in their names during the lifetime of the respective parties as above stated.

218. Question. You say that Frederick Rapp died in June, 1834, and that you and Mr. Henrici became sub-agents after his death; please state, as near as you can, George Rapp's age at the time of Frederick Rapp's death?

Answer. Seventy-six years and eight months.

219. Question. State whether he was accustomed to leave home, to attend to the business of the Society, after Frederick Rapp's death, or before?

Answer. He did not.

220. Question. Describe, as near as you can, the nature of the duties performed by George Rapp, from the time of Frederick's death until the time of his own death?

Answer. First, a general supervision of the farming department, consulting with the elders about the manner and mode of conducting general husbandry, together with the advice and consultation of the heads of the different departments of trades and manufactures, and consulting with and giving directions to the sub-agents, Henrici and myself, for the various supplies to be purchased, and for the various surplusses to be disposed of. These were his temporal duties.

221. Question. Where were the first moneys on deposit received from after Frederick Rapp's death?

Answer. The ten thousand dollars, which I have stated, from Pittsburgh.

222. Question. When were the next moneys brought home, and where from?

Answer. I think the next was from Philadelphia, to the best of my recollection. I think it was from the United States Bank. It was coin. To the best of my recollection, I brought home three times. I cannot tell the amount the first time; I think it was eighty-five thousand dollars.

223. Question. State as near as you can the time when that was brought home—the eighty-five thousand dollars.

Answer. I think it was in the month of October, in the year 1836.

224. Question. How had the bank come into possession of that money?

Answer. From the proceeds of consignments of wool and woollens to Philadelphia, as well as by remittances from home—from Economy—by checks.

225. Question. Did you bring home all the money of the Society in the bank at that time?

Answer. That is my impression, but I won't be positive.

226. Question. State the manner in which you drew the money from the bank; on what paper?

Answer. On the check of George Rapp.

227. Question. How was the account kept for the Society with the bank?

Answer. Mostly like any other account kept with mercantile houses. The bank being at a distance, it prevented the use of an ordinary bank book, though I believe there were now and then a bank book given, but the entries in it, after my return home, would not be made therein; they would be made on our books at home, in which outstanding claims were entered, and perhaps sometimes on paper memorandums kept.

228. Question. By whom would those paper memorandums be kept?

Answer. They would be deposited in the safe.

229. Question. By whom would the memorandums be made?

Answer. Mostly by myself.

230. Question. State the nature of such memorandums as were made by you in regard to the account with the bank, and why they were not made on the books, instead of loose paper?

Answer. The accounts would be as any other accounts on paper, showing the manner and kind of remittances; and I have no recollection of any particular reason why they were made on paper, and not entered upon the books.

231. Question. Did you ever make any remittance that was not entered on the books?

Answer. I think I recollect of one instance.

232. Question. Name that instance, time, place, and circumstance?

Answer. It was during the suspension of specie payment; I won't be certain whether it was in 1837 or 1838, we wrote to the Bank of the United States to know whether they could furnish a certain amount of gold again a certain time, and upon the letter containing their answer, I think I made one or two memorandums of remittances, the amount to be included in the amount of gold we received.

233. Question. Do you know of any other instance in which remittances were made to any banks or individuals which were not made in the books of the Society?

Answer. I do not recollect of any.

234. Question. Would the books of the Society show at any time the indebtedness of banks to the Society, for money on deposit or received by them?

Answer. They would generally, except the accounts of the banks or brokers in Pittsburgh, which were kept in a bank book.

235. Question. At the time you brought the $85,000 from Philadelphia, was any other member of the Society with you? If yea, state whom.

Answer. Elijah Lemmix was the only one. It was brought in boxes by canal, accompanied by myself and Elijah Lemmix. He was with me again. He was with me in October, 1838, bringing money home.

236. Question. When did you bring money home the next time, after the $85,000 brought from Philadelphia, above mentioned?

Answer. In October, 1838.

237. Question. State what amount was brought home at that time, and where from.

Answer. $110,000 from the Bank of the United States. It was gold coin. The $85,000 was also in gold coin. The $110,000 were all gold sovereigns. I am not certain whether all of the $85,000 were gold sovereigns or not; the greater part of them were?

238. Question. How, or on what account did you obtain the $110,000 from the bank?

Answer. On the check of George Rapp.

239. Question. How came the bank at that time to be indebted to that amount to this Society?

Answer. As stated before, by proceeds of sales of wool and woollens, and by remittances.

240. Question. By whom were those sales and remittances made?

Answer. The remittances were made by Mr. Rapp, and the sales by merchants in Philadelphia.

241. Question. How did Mr. Rapp make these remittances?

Answer. By procuring checks and drafts, and sending them to the bank. They were sent by mail generally, unless I would take them myself when I was going.

242. Question. How did Mr. Rapp procure those checks and drafts that were sent?

Answer. He would give me his check on the banks of Pittsburgh, and they were exchanged for eastern funds.

243. Question. Were there any entries made on the books of the Society to show these remittances?

Answer. Generally so.

244. Question. What would be the exceptions, and why were they not entered in all cases?

Answer. I don't recollect of any but what I have stated.

245. Question. State the amount of the entries you made on the back of the letter you refer to from the Bank of the United States.

Answer. I do not recollect the amount, but to the best of my recollection the items so entered on the letter were a part of the $110,000 spoken of as brought home in October, 1838, and the bulk

of the amount was stipulated in the letter, which letter, and these entries, made the $110,000.

246. Question. Please to explain what you mean by saying "that the bulk of the amount was stipulated in the letter?"

Answer. I mean that the amount the bank owed us was shown in the letter, for which they agreed, by the letter, to furnish us gold by a certain time.

247. Question. What was the object of the memorandums made by you on the back of that letter?

Answer. There was no particular object, other than to have the amounts to be drawn on one paper.

248. Question. What were the memorandums made by you on the letter?

Answer. Memorandums of remittances to the bank.

249. Question. How many were there of them?

Answer. I don't distinctly recollect; two, or three.

250. Question. How were the remittances made that were mentioned in those memorandums?

Answer. By bills or drafts enclosed by mail, purchased from the branch at Pittsburgh, or from the Banks of Pittsburgh, and from brokers.

251. Question. Please to state specifically from whom those drafts or remittances were purchased, according to the best of your recollection, that were referred to in the memorandums on the back of the letter.

Answer. It is between thirteen and fourteen years ago, and I don't recollect.

252. Question. How did you purchase them? What did you purchase them with?

Answer. I have no recollection of those particular remittances. I recollect to have bought eastern checks at different times and paid for them the check of George Rapp, and bank notes taken with me from Economy, and sometimes western bills on Pittsburgh.

253. Question. State as near as you can, the amount of the remittance specified on the back of that letter, according to the best of your recollection.

Answer. I have no other recollection about the amounts, other than that the whole amounted to one hundred and ten thousand, as I stated before.

254. Question. What became of that letter?

Answer. As it contained an engagement by the Bank, I am under the impression that it was left there when I drew the money.

255. Question. State as near as you can, the purport of the letter.

Answer. To the best of my recollection, it contained a stipulation by the Bank, to furnish, in October, 1838, a certain amount of sovereigns. That is all—that is the substance.

256. Question. How came the Bank to make that stipulation?

Answer. Because they were not paying specie at the time, and Mr. Rapp wanting foreign gold, which they were not entitled to pay, time was given the Bank to procure it.

257. Question. Had application been made to the Bank, to furnish sovereigns to Mr. Rapp? If yea, state in what manner that application was made, and when.

Answer. To the best of my recollection, it was made some four or five months prior to October, 1838—it was made by letter, written by myself, under the direction of Mr. Rapp, and signed by him. That was the general mode.

258. Question. In what manner was the one hundred and ten thousand dollars transported from Philadelphia, and who was with you?

Answer. In kegs, partly by canal—and as there was a breach in the canal, partly by wagon, to Pittsburgh, and by water to Economy. Elijah Lemmix was with me—no one else.

259. Question. How much did each keg contain?

Answer. There were four kegs, containing the one hundred and ten thousand dollars; the money was either in bags or in small boxes, packed in half-barrels, packed in with dye-wood chipped.

260. Question. Was there any entry made by you in the books, to show the remittances to the Bank referred to in the memorandums on the letter?

Answer. I think not.

261. Question. When the money was received at Economy, were any entries made to show the receipt of such money here, or that it was on hand?

Answer. There was.

262. Question. Where were those entries made, and by whom?

Answer. Mr. Henrici or myself made them in a little book, where the balances, or where the specie on hand at the close of the year before was stated, and where the specie receipts were from time to time entered, which receipts and the balances on hand of the passed new year would form the substance of the cash account of the following close of the year, as stated before.

263. Question. When was the entry of the receipt of this $110,000 made, and did you see it made by Mr. Henrici, or did you make it yourself?

Answer. I don't distinctly recollect neither; but from the manner of our business mode, the entry would be made without much delay.

264. Question. Have you any recollection when the receipt of this money was entered, and who entered it?

Answer. I have not; but I do know that it is a part of the $510,000, reported by me in my examination in chief, as being on hand on the 16th of June, 1846.

265. Question. Where is the book in which it was first entered after the receipt of the money here?

Answer. I believe it to be burned with the cash accounts before spoken of.

266. Question. Did you ever see the book in which it was first entered?

Answer. Yes.

267. Question. Where did you see it?

Answer. In Henrici's room, where it was kept in the iron safe.

268. Question. When did you last see that book?

Answer. I don't recollect; but I think I first missed it from the iron safe when I missed the cash account, about two years before Mr. Rapp's death, as stated before.

269. Question. Describe the size and form of that book.

Answer. I believe it was a quarto blank book, containing two quires.

270. Question. State when the entries in that book commenced.

Answer. To the best of my recollection, after the death of Frederick Rapp, in 1834.

271. Question. Down to how late a period was this continued?

Answer. I think they were continued down to the time of its destruction.

272. Question. Who were the entries by in that book?

Answer. By Mr. Henrici and myself.

273. Question. For what purpose did you commence making entries in that book?

Answer. I think the claims due the Society at Frederick Rapp's death were first entered, and then the specie on hand, and what was from time to time brought home, and formed the basis of the yearly cash account, made out at the close of the year and laid before Mr. Rapp, before spoken of.

274. Question. Why were the debts due the Society at Frederick Rapp's death, and the specie on hand, entered in that book?

Answer. It was proper to make the entry somewhere, to see the condition of things at the close of the lifetime of our agent, Frederick Rapp, and at the commencement of the new agent, George Rapp, and the sub-agents under him.

275. Question. Why, in your view, was it proper to make entries for the purposes you have stated?

Answer. The aggregate amount could not have been ascertained, unless they were consolidated somewhere for the purpose of adding them together.

276. Question. Why was the specie that was from time to time brought home, entered in that book?

Answer. It was necessary to enter it somewhere, until the whole amount that Mr. Rapp wanted was obtained; and when that was obtained, the aggregate of $510,000, often before stated, as easily recollected without books or papers.

277. Question. Why was it more necessary to enter and preserve in a book the items or sums composing $510,000, than to preserve the entry of the total sum?

Answer. Because the times and the amounts differed so much, and, therefore, hard to retain in the memory.

278. Question. Do you mean to be understood now as saying that the book spoken of contained only entries of the items constituting the $510,000 reported by you?

Answer. As stated before, that in 1834 entries of claims due the Society were made in it at first, but not continued all the time, but the entry of the specie was continued, to the best of my recollection.

279. Question. How long was the entry of the specie in that book continued?

Answer. I believe as long as it existed.

280. Question. How long were the debts and claims due the Society entered in that book?

Answer. I have no distinct recollection.

281. Question. Have you any recollection how long they were continued?

Answer. To the best of my recollection, there were no entries of debts or claims made in it except those existing in 1834.

282. Question. Did you make any entry in it in 1835 of any kind?

Answer. I think I entered the $10,000 brought home in 1835, and added it to the prior amount on hand.

283. Question. Did you make any other entry in that book in 1835?

Answer. I do not recollect.

284. Question. Did Henrici make any entries in that book in 1835?

Answer. I have no recollection of any entries made by him, but he might have made some. It was seventeen years ago.

285. Question. If he made any entries, what would they be in your opinion?

Answer. They would be, if any, the specie on hand, taken in the current year, at the close of it.

286. Question. Did you make any entries in 1836 in that book?

Answer. I have no distinct recollection that I made any myself, but either Mr. Henrici or myself would enter the cash brought from Philadelphia that year.

287. Question. Have you any recollection that you did enter the cash brought from Philadelphia that year?

Answer. I have stated that I have not distinctly myself, but I know that the amount was entered, as stated.

288. Question. Have you any recollection that Henrici entered the amount of cash received from Philadelphia that year, in that book.

Answer. I don't distinctly recollect that he entered it; but one of us entered it, and it constituted a part of the aggregate reported.

289. Question. How do you know that it was entered, if you have

no distinct recollection that you entered it yourself, and no distinct recollection that Henrici entered it? Please to explain the sources of your knowledge of that fact?

Answer. If the cash balance on the last day of 1835 would be a given sum, the omission of an entry of $85,000 would not be likely to escape the eye of a merchant at the end of 1836, and of agent, and of sub-agents of the principal, acting under the direction of the general agent, who aimed at the fulfilment of instructions so given. As I defy the world to show that either Henrici or myself ever secreted, purloined, or converted to our private use any money, or other property, while in trust for the Harmony Society: nor is it our intention or desire to secrete or keep back from reporting any money or property to which this plaintiff may have a claim; and I myself did admonish the whole Society not to secrete a cent's worth of any property in their possession.

290. Question. Have you given all the answer you think proper to give to the preceding interrogatory?

Answer. I say the amount was entered; that's all I can answer.

291. Question. What other entry was made in that book, in the year 1836, by yourself?

Answer. I don't recollect.

292. Question. Have you any recollection of any other entry being made by yourself, in 1836, in that book?

Answer. I have no recollection of any.

293. Question. Do you know of any entry being made in that book by Mr. Henrici, in 1836, in regard to any other matter than the $85,000 brought from Philadelphia?

Answer. I don't recollect of any.

294. Question. Did you make any entries in that book in 1837?

Answer. I do not recollect.

295. Question. Did Henrici make any entries in that book in 1837?

Answer. I cannot say; but I can say that Henrici and myself made the necessary entries in that book from time to time.

296. Question. What entries were necessary to be made in that book in the year 1837?

Answer. Entries of the receipt of specie, if any was received; but I have no recollection of any specie received in 1837, it being the year of the suspension of specie payment, it was scarce.

297. Question. What entries did you make in that book in the year 1837?

Answer. I entered the one hundred and ten thousand dollars, before spoken of as being brought from Philadelphia. I do not recollect of any other made by me.

298. Question. What entries were made in that book in the year 1838 by Henrici?

Answer. I cannot tell; I do not recollect.

299. Question. What entries were made in that book in the year 1839, by you?

Answer. I have no recollection of any.

300. Question. What entries were made in the year 1839, in that book, by Henrici?

Answer. I cannot say.

301. Question. What entries were made by you, in that book, in the year 1842?

Answer. I don't recollect.

302. Question. Were any made by you in that year?

Answer. I do not recollect.

303. Question. What entries were made in 1840, by Henrici, in that book?

Answer. I can't tell.

304. Question. Do you know if he made any entries?

Answer. I do not.

305. Question. What entries were made by you, in 1841, in that book?

Answer. Either in 1841 or 1842, I brought, the third time, specie from Philadelphia, as well as I can recollect, about fifty thousand dollars, which would be entered in that book, either by myself or Henrici.

306. Question. Was any entry made by you in 1841 or '42, in that book, about anything else than the $50,000 brought from Philadelphia?

Answer. I don't recollect of any.

307. Question. Do you know of any entry being made about anything else by Henrici, in those years, in that book?

Answer. I do not recollect.

308. Question. Were any entries made by you in that book in the year 1843?

Answer. I think I brought home from Philadelphia, in that year, another $35,000, which would be entered in that book by myself or Henrici. I think it was in the month of May.

309. Question. Do you know of any entry having been made in that book in 1843, by yourself or Henrici, concerning anything else than the $35,000 above referred to?

Answer. I have no recollection of any other entry.

310. Question. Was any entry made in that book, by either yourself or Henrici, in the year 1844?

Answer. We brought some more specie home in that year, but I do not recollect the amount nor the time; and so on, up to 1846, I brought home some every year, but I do not know the time nor amounts until we filled the sum of $510,000. I have no recollection. The entries were made in that book till its disappearance.

311. Question. Can you now state that you made any entry in that book in the year 1844?

Answer. My impression is, that the money brought home that year was entered in it.

312. Question. Can you state by whom the entry was made, whether by yourself or by Henrici?

Answer. I cannot.

313. Question. Can you state what the entry was, or for what amount?

Answer. I cannot. The sums brought home were more frequent and smaller than those from Philadelphia, and, therefore, harder to remember.

314. Question. Did you bring home, in 1844, money from any place but from Pittsburgh, that was entered in that book?

Answer. I think I brought some from Louisville, in that year, that was entered in that book, but am not positive.

315. Question. Did you bring money from any other place than Pittsburgh and Louisville, that year, that was entered in that book?

Answer. I don't recollect of any.

316. Question. How often did you bring money home from Pittsburgh, in that year, that was entered in that book?

Answer. I do not recollect.

317. Question. Was it as often as five times?

Answer. I think not.

318. Question. Was it as often as three times?

Answer. It may have been two or three times, but I could not positively say.

319. Question. What number of times do you think it likely it was?

Answer. I do not recollect.

320. Question. Have you no recollection as to the number of times, whether one, two, or three times?

Answer. I have no recollection of the number of times, and more I cannot say. I have said two or three times.

321. Question. How much money that was entered in that book, in 1844, was brought home with you the first time, from Pittsburgh?

Answer. I have no recollection of how much money either time.

322. Question. Was it coin or paper money that was brought home in 1844, from Pittsburgh?

Answer. It was coin. I think it was mostly gold—both American and foreign gold.

323. Question. How often did you bring money from Louisville that year, that was entered in the book?

Answer. Once only.

324. What time of the year was that?

Answer. It was in April. It was silver coin. I think it was mostly five-franc pieces.

325. Question. How did you bring it?

Answer. I think I had it in a box.

326. Question. How many boxes of it had you?

Answer. Only one.

327. Question. What was its amount?

Answer. It was about $1500, as near as I can recollect.

328. Question. Where did you get it in Louisville?

Answer. I think I got it from William Garvin, a merchant there, the most of it; and I think, some from a broker.

329. Question. How much did you get from Garvin, and who was the broker you got the rest from?

Answer. I think I got a thousand dollars from Garvin. I don't recollect the broker's name. I was not familiar with the brokers at Louisville.

330. Question. What did you give Garvin and the broker for the specie?

Answer. Garvin was in our debt. To the broker I gave paper.

331. Question. What amount of paper did you give the broker, and what bank was it on?

Answer. I don't recollect either. He charged me one or two per cent. to the best of my recollection.

332. Question. Who did you obtain the coin from, that you brought from Pittsburgh, in 1844?

Answer. I think it was from the Bank of Pittsburgh. I have no recollection of ever receiving any specie from any other place than the Bank of Pittsburgh, and the branch bank in Pittsburgh, while it lasted.

333. Question. How did you bring the coin from Pittsburgh to Economy, in 1844? Was it in bags, or boxes, and how transported?

Answer. On one occasion, I have no distinct recollection whether it was in 1844 or not, but I recollect on one occasion, I had coin in bags, which I had taken to George Cochran's warehouse, and there packed in a barrel with other things, and I believe I filled the vacant space with oats; on another occasion, but I don't recollect the year, I brought home the full of a regular tobacco keg (the banks, in those days, packed money in tobacco kegs), I think it contained either $7000 or $10,000 in silver; I think they were half dollars. And on another occasion, I have no distinct recollection of the time, it must have been in 1835 or 1836, five tobacco kegs, which contained together in silver, $35,000, to the best of my recollection. The recollection of which came into my mind last night, and is also a part of the aggregate reported in my examination-in-chief, and I think it was from the branch bank that I received it.

334. Question. Please state now, whether the money brought from Pittsburgh, in 1844, was in bags, boxes, or kegs, according to the best of your recollection?

Answer. I have no distinct recollection about it, more than I have stated.

335. Question. How was the money in 1844 transported from Pittsburgh to Economy?

Answer. The best recollection I have is, that it was by water.

336. Question. Was it each of the two or three times that you mentioned of bringing money in 1844, from Pittsburgh, brought in the same way, and contained in the same kind of vessel?

Answer. I do not remember.

337. Question. Who was with you when you brought the money from Pittsburgh, in 1844? Mention each of the times.

Answer. I have no recollection of any person at present.

338. Question. How did you procure the money each time from the bank? For what consideration?

Answer. In the usual way; on the checks of George Rapp.

339. What brought to your recollection since your examination closed last night, the $35,000 fetched in kegs from Pittsburgh, in 1835, or 1836?

Answer. The kegs themselves. And having referred to my answer to interrogatory No. 95, saying that I had brought money from Pittsburgh at sundry times, I studied whether I had not omitted in my testimony before, any one of those sundry times, and found that I had omitted this one.

340. Question. Had you anything to refer to in studying over it, but your own recollection; in order to determine whether you had omitted any of the sundry times?

Answer. Nothing else but my recollection.

341. Question. What entries were made in the quarto blank book, referred to in your testimony last evening, by yourself or Henrici in the year 1845?

Answer. I have no recollection of any—no distinct recollection; but there may have been some, as some time in that year the $500,000 before spoken of was filled (I refer to the $500,000 that Mr. Rapp wanted), and when all was added together, to the best of my recollection it overrun a small amount, and this surplus overrunning the $500,000, together with what we had on hand, taken in at Economy, increased the amount on the 16th of June, 1846, to the whole aggregate of $510,000 before mentioned.

342. Question. What time in the year 1845 was the amount of $500,000 that Mr. Rapp wanted filled?

Answer. I won't be certain, but I think it was in the fall. I wish to be understood that in filling said amount of $500,000, the money on hand for the current year was not counted in with the $500,000, and therefore the surplus of ten.

343. Question. What reason have you for thinking the $500,000 was filled in the fall of 1845?

Answer. Because it was a period when Mr. Rapp directed to collect a certain amount, the said amount had at last successfully arrived.

344. Question. How do you know that this successful period arrived in the fall of 1845?

Answer. Because it was that time at which we summed up the different importations.

345. Question. How do you know that you summed up the different importations in the fall of 1845?

Answer. Because it was at that time that the given order was filled.

346. Question. How do you now ascertain that the given order was filled at that time?

Answer. By the best of my recollection.

347. Question. Have you any other means of knowledge on that point?

Answer. I have none.

348. Question. In a previous answer you say "we summed up the different importations;" who summed them up?

Answer. Henrici and myself.

349. Question. Where were you when you and Henrici summed them up?

Answer. I think we were in Henrici's room, to the best of my knowledge.

350. Question. Was it in daytime or at night?

Answer. I think it was in daytime.

351. Question. Was it before dinner or after dinner?

Answer. I do not recollect.

352. Question. What time in the fall of 1845 was it?

Answer. I have no distinct recollection, but it was in the early part I think.

353. Question. What months do you include in the term fall of 1845?

Answer. The fall months are called September, October, and November.

354. Question. In which of those months, according to the best of your recollection, and from all the means of knowledge you have on the subject, did the summing up take place?

Answer. To the best of my memory I think it was September.

355. Question. What time in September was it, according to the best of your recollection and means of knowledge?

Answer. I cannot say; I do not remember.

356. Question. According to the best of your recollection, was it before or after the middle of the month?

Answer. I do not recollect.

357. Question. Have you no means by any memorandum, book, entry, or other source of information, to ascertain what time in the month of September the summing up took place?

Answer. I have none.

358. Question. Who were present, beside yourself and Henrici, when the summing up took place?

Answer. No one that I recollect of.

359. Question. Had you the book open before you at the time?

Answer. I think we had.

360. Question. Who summed it up, you or Henrici?

Answer. I don't recollect.

361. Question. Did you sum it up?

Answer. To the best of my recollection, I looked over it, as we generally both examined such matters, but I have no distinct recollection who added it first.

362. Question. Have you a distinct recollection that you did, on that occasion, add up the figures?

Answer. I have so far that they were added, but who made the addition first, I do not recollect, but we both looked over it.

363. Question. Was the sum total entered on the book?

Answer. The additions of the former entries would constitute the sum total.

364. Question. Was that sum total marked or designated in *in* any way upon the book?

Answer. As I stated before, the various prior entries constituted the sum total, and the sum total ascertained by the additions already, formed the entry.

365. Question. Was there any entries made, except of the various prior entries constituting the sum total?

Answer. I don't know of any.

366. Question. Did you know what the sum total was, until you summed up the various importations on the occasion referred to?

Answer. I did not know precisely, but I, having seen the progressive balances, knew that the sum must have been about filled.

367. Question. Had you any other means of knowing that the sum must have been about filled, except from having seen the progressive balances?

Answer. My own recollection, nothing further.

368. Question. When you summed up the various importations on that occasion, did you make any entry or memorandum on that book or elsewhere, of what you then ascertained the amount to be?

Answer. Not that I know of.

369. Question. Did Henrici make any entry or memorandum on that book, or elsewhere, of what he then ascertained the amount to be?

Answer. I am not positive, whether he did or not, but it is most likely he did; as to the best of my recollection, he reported the fact to Mr. Rapp, as Mr. Rapp often gave directions through him to both of us, and he, living in the house with him, would report at meal times without any one going especially to report.

370. Question. Have you any other reason than you have above stated, for thinking it likely that Henrici made any such entry or memorandum?

Answer. I have none.

371. Question. Did you ever see any such entry or memorandum by Henrici?

Answer. I have no recollection of it.

372. Question. You say you think it most likely, Henrici did make some memorandum; for what purpose do you think it likely he made it, and what do you think it likely that memorandum was?

Answer. For the purpose of reporting to Mr. Rapp, in the first place. It would be the result of the additions. Nothing more than that.

373. Question. You say that you and Henrici, on that occasion, summed up the various importations. Were the entries of those importations that you summed up all on the same page of the book that was before you, or were they on different pages?

Answer. The entries were on different pages.

374. Question. How many different pages were the entries upon?

Answer. On as many pages as were necessary to make the entries, but I don't recollect the number.

375. Question. Were there as many as five pages, according to the best of your recollection?

Answer. I don't recollect.

376. Question. Were there as many as three pages, according to the best of your recollection?

Answer. I can say nothing more than I have said, on the subject of the number of pages.

377. Question. Do you recollect whether there were two pages of entries?

Answer. I think the entries required more than two pages.

378. Question. How many more pages than two do you think the entries required?

Answer. I can't say how many; to reflect about it, I would say from three to five, perhaps more.

379. Question. What were those entries? State, as near as you can, the form of them and the substance.

Answer. I have stated before, that they commenced in 1834, and followed up and added up at the close of each year, the importations of money during the current year.

380. Question. Was more than one year's entries contained on each page?

Answer. I think so.

381. Question. Was the sum total of each year added up on the book?

Answer. I think it was.

382. Question. Where did you get the book from, on the occasion of summing up the importations in September, 1845?

Answer. From the iron safe referred to in Henrici's room.

383. Question. Do you know of any entries being made in that book, after you summed up the importations in September, 1845?

Answer. I do not.

384. Question. How long were you and Henrici engaged in summing up the importations on that occasion?

Answer. I don't recollect; it would not take long, as the additions were made annually before.

385. Question. Did you sum up anything but the previous annual additions?

Answer. I do not recollect of any, of summing up anything else.

386. Question. What did you make the amount you summed up? State as precisely as you can now recollect.

Answer. To the best of my recollection, it was between $1,000 and $2,000 over the $500,000.

387. Question. When you summed up the importations on that occasion, what was then done with the book?

Answer. I think it was put back in the iron safe where it had always been kept.

388. Question. Did you ever examine it afterwards?

Answer. No. To the best of my recollection that was the last time I seen it.

389. Question. Did you ever look for it afterwards?

Answer. I don't remember that I did, until the close of that year, when I found it absent as I stated before.

390. Question. Why did you look for it at the close of that year?

Answer. For the purpose of rendering the usual cash account as we done in former years.

391. Question. Why was that book wanted for the purpose of rendering the cash account of that year?

Answer. Because it contained the entry of the balance on hand before.

392. Question. Had your previous annual cash accounts at the end of the year been made out from that book?

Answer. Yes.

393. Question. When you found the book absent from the safe where it had been previously kept, and where you had seen it placed in September, did you make any further search or inquiry for it.

Answer. I made no further search, as I was informed by Henrici, Mr. Rapp had directed it to be burned, and that he did not want the amount of $500,000 to appear in the following accounts to be rendered.

394. Question. When was it that Henrici gave you the information?

Answer. I think that it was at the close of the year 1845.

395. Question. Did you consider it your duty or right to make out the annual statements according to Mr. Rapp's wishes or directions, without regard to anything else?

Answer. I considered it my duty to leave said item of $500,000 out of the account if he wished it, as the amount so left out was easily remembered; and I was satisfied from his fidelity to the Society, in all respects, not only in this one, that he had the purest motive tending to the welfare of the Society in so leaving out this

amount, and that at the close of his life, when he might have given or allowed a preference to his own children, his own family, I mean his daughter, he has not, to my knowledge, or that I heard of, left one cent to either; but whatever remained after his death in the Society, after his long and arduous administration of the affairs, I mean of property, was left without condition, as it ought to be, and agreeably to our articles of association, to the Society, in which Society he, like any other member, only had his maintainance or life estate, according to the articles of association. I have no recollection that he, at any time before, gave any directions whatever to put in or leave out anything from the yearly accounts, but always received them without condition from the storekeepers who made them out.

396. Question. You say that in making out the cash accounts previous to the close of the year 1845, the cash on hand appeared, as taken from the book alluded to. What was the object of exhibiting that cash previous to the year 1845, on these statements?

Answer. I don't recollect any particular object mentioned. The matter had to be examined at some time, for the purpose of ascertaining the sum total.

397. Question. Why did you embrace it in your statements, previous to the year 1845? Was it not to show the amount of cash on hand?

Answer. Yes, and to show the progress of the matter.

398. Question. What was the object of leaving it out of the statement at the close of the year 1845?

Answer. I don't know any particular object, except that he didn't want any more specie; and the sum on hand should be considered as a reserve, or church fund, spoken of in the old Testament, where it is stated "that the children of Israel, for the purpose of rebuilding and repairing the temple at Jerusalem, contributions should be gathered, and those contributions placed under the hands of trustees, and no account to be kept of them." Moreover they reckoned not with the men into whose hands they delivered the money to be bestowed on workmen, for they dealt faithfully, 2 Kings, 12 : 15. Also, howbeit there was no reckoning made with them of the money that was delivered into their hands, because they dealt faithfully, 2 Kings, 22 : 7.

399. Question. What did your statement at the close of the year 1845 contain?

Answer. The accounts generally spoken of before, including the money on hand, not included in the $500,000. It contained nothing else that I know of.

400. Question. Where is the account that you made out at the close of the year 1845?

Answer. I believe it to be burned.

401. Question. What is your reason for believing it to be burned?

Answer. As the burning was a good deal talked of.

402. Question. Who was the burning of that account a good deal talked of by?

Answer. Mr. Rapp.

403. Question. Who did he talk of the burning of that account with?

Answer. I have no recollection of any conversation about that particular account; but it was a general thing, meaning other accounts, also, which had been furnished to Mr. Rapp.

404. Question. When did you first hear such conversation?

Answer. In 1818, but more particularly in answer to this question some two or three years, or perhaps more, before the death of Mr. George Rapp.

405. Question. Did you hear anything spoken of by Mr. George Rapp about the burning of the annual statements made out by you, before the time when you and Henrici summed up the importations of specie in September, 1845?

Answer. I think I did.

406. Question. State, as near as you can now recollect, what he said upon that subject, or the substance of it, and to whom it was said?

Answer. I cannot bring any particular words to my recollection, only the general burning; as these accounts, rendered to him annually, were not necessary to be preserved, and were only intended by him for immediate use at the time, as the cash account, which required a former balance, was necessary. I mean the cash account kept by Mr. Henrici and myself.

407. Question. Is the foregoing all that you can state either of the words, import, or substance of what you have heard George Rapp say in regard to the burning of any book, accounts or papers after Frederick Rapp's death, and before the death of George?

Answer. My answer to the present question, and what I have stated previously, is all I recollect at present.

408. Question. Did you make out any statement at the close of the year 1846?

(This question objected to, inasmuch as by the decree of the Court the inquiry is limited to a period anterior to the 16th of June, 1846, and is, consequently, irrelevant.)

(The objection overruled, for reasons stated in writing by Master, as follows:)

(The annual statements of the condition of the Society in June, 1846, and prior to that time, having been burned, and subsequent annual statements having been made, which may tend to show the condition of the Society at that period, I see no reason why it would not be proper to inquire how far these statements would show the condition of the Society in June, 1846, at the same time relying on them only as circumstantial evidence, by which we may infer or approximate as near as we can, to the real value of the assets of the

Harmony Society in June, 1846, as directed by the decree of the Court.)

Answer. I think we did.

409. Question. Where is that statement?

Answer. I believe it to be burned.

410. Question. Who do you believe it to have been burned by?

Answer. By Mr. Henrici.

411. Question. What was the object of burning that statement?

(Defendants' counsel except to this question; the evidence being incompetent; the motive for burning it being immaterial in the present controversy; the evidence not coming within the decision made by the Master in the cause.)

(Objection overruled, and exception by defendants' counsel.)

Answer. I don't know any other object than the one frequently stated.

412. Question. Please to state what object you refer to in the preceding answer, as the one frequently stated?

Answer. That those yearly statements were of no use, after a certain time, to Mr. Rapp.

413. Question. Did you make out a statement at the close of the year 1847?

Answer. I think not.

414. Question. Did you make out any statement after Mr. Rapp's death?

Answer. Yes; there was one made out in 1848, '49, '50, and '51, at the close of each year.

415. Question. Was there no statement made out from the close of the year 1846, to the close of the year 1848?

Answer. Such is my recollection, that there was none.

416. Question. Where are the statements made out at the close of the years 1848, '49, '50 and '51?

Answer. They are in the iron safe.

417. Question. Who were they made out by?

Answer. By myself.

418. Question. Whose possession is the safe in?

Answer. It is in Henrici's room; either of us has access to it.

419. Question. Please produce the statement made out by you in the year 1848.

(Witness here produced a statement and handed it to complainant's counsel, said paper now handed to me and purporting to be a statement made out for 1848, marked A. Defendants also produced a paper marked B, containing a statement of 1849, and a book marked C, containing statements of 1850 and '51.)

420. Question. At what time did George Rapp die?

Answer. On the 7th of August, 1847. He was then aged 89 years, 9 months, and 21 days, to the best of my knowledge.

421. Question. What family did he leave?

Answer. A daughter, grand-daughter, and a daughter-in-law.

422. Question. State their names, and where they reside.

Answer. Rosina Rapp, his daughter, Gertrude Rapp, his grand-daughter, and Johanna Rapp, his daughter-in-law. They all lived with him in Economy at the time of his death. The daughter since died. She died in August, two or three years ago. This may be found on the family record. The others are now members of the Society, and live in Economy.

423. Question. Who lived with George Rapp, in the same dwelling, from June, 1834, until the time of his death?

Answer. Jacob Henrici, George Fleckhammer, until he died. From Fleckhammer's death till Mr. Rapp's death, Floreon Keppler lived with him, and the three females before mentioned. No other person.

424. Question. At the time of Mr. Rapp's death, or any period afterwards, was there any account taken of the property and assets of the Society? If yea, when and by whom was it taken?

Answer. To my recollection, there was none taken till the close of the year 1848, now exhibited and marked A, as before referred to.

425. Question. Does the paper marked A, exhibit all the account then taken?

Answer. To the best of my knowledge, it does.

426. Question. By whom was that account taken, and at what time? State as nearly as you can the exact date.

Answer. By myself. It is in my handwriting, and is dated December 30, 1848, and was taken at that date, to the best of my recollection.

427. Question. How came you to take that account, and for what purpose, and to whom was it exhibited?

Answer. It had been a long custom to make up accounts at the end of the year, for the purpose of ascertaining the condition of matters in the Society. We have at times, since the death of Mr. Rapp, exhibited the yearly statements to the Board of Elders; and to the best of my recollection, this was also exhibited to them.

428. Question. Please state who you mean by the term "we," in the preceding answer.

Answer. I mean the two Trustees, Mr. Henrici and myself.

429. Question. You say, "for the purpose of ascertaining the condition of matters in the Society," it was the "custom to make up accounts at the end of the year." Please to state what was the purpose of making up the account marked A.

Answer. For the purpose of ascertaining the condition of the Society at the time the account was made up.

430. Question. You say that "we have at times, since the death of Mr. Rapp, exhibited the yearly statements to the Board of Elders." Please state whether you have exhibited, since the death of Mr. Rapp, any other statements to the Board of Elders than the papers marked A, B, and the book marked C, before referred to.

Answer. I think I did.

431. Question. What other statement did you exhibit to the Board of Elders, and when?

Answer. We called them Society Accounts, containing articles sold from the farm, articles bought for the Society; and the amount sold, if paid in cash, would appear under the item of cash on hand, or debts outstanding, such as are exhibited in statement A referred to. They were exhibited about New Year, and were always exhibited with the accounts here produced.

432. Question. Where are those Society accounts as exhibited by you to the Elders? please produce them.

Answer. They generally laid with those in the iron safe. I believe they are there now. The papers here produced, marked D, E, F, G, are those accounts.

433. Question. After Mr. Rapp's death, did you at any time, for the purpose of ascertaining the condition of the Society, or for any other purpose, make out any other accounts or statements, or exhibit to the Board of Elders any other accounts or statements than those marked A, B, C, D, E, F, and G?

Answer. I do not know of any.

434. Question. When those accounts were exhibited to the Board of Elders, state when it took place, and the names of the persons present.

Answer. In the Council Room in Mr. Rapp's house. The Elders were generally all present. I do not know that any were absent on any occasion in any of those years. The same persons have been Elders since Mr. Rapp's death. John Stahl, John Schnable, Joseph Hornle, Matthew Scholle, John Eberle, Jonathan Lentz, Adam Nachtrieb, Jacob Henrici and myself. No other persons were present.

435. Question. What money was on hand at the time of Mr. Rapp's death, and where was it?

Answer. $510,000, as stated before, and the amount taken in and remaining on hand since June 16th, 1846. The amount I cannot tell. I believe it is in the vault, except the money received in the current year, that was not laid out and invested.

436. Question. Where is the vault in which the money was, that was on hand on the 16th of June, 1846?

Answer. I believe it to be in or near Mr. Rapp's house. I have never seen it.

437. Question. Did you ever see any money placed in that vault?

Answer. I did not.

438. Question. Have you ever seen any money taken from that vault?

Answer. I have not.

439. Question. How much money of the Society was in that vault on the 16th of June, 1846?

Answer. The amount stated before, of $510,000. I have no knowledge, or never had, of any more.

440. Question. If that vault is in Mr. Rapp's house, what part of the house?

(This question objected to by defendant's counsel as irrelevant.)

(The question overruled by the Master.)

(Complainant's counsel excepts to the decision of the Master.)

441. Question. Where is the money now that was on hand on the 16th of June, 1846?

Answer. I believe it to be in the vault stated.

442. Question. What reason have you for believing that it is in the vault stated?

Answer. I have so been informed by Henrici, who was an inmate of Mr. Rapp's house, and acquainted with those things, as I believe.

443. Question. When you say that you believe Henrici was acquainted with "those things," what things do you refer to?

Answer. I refer to things which a man may confide to one person, which he would not to many, or to another.

444. Question. What means of knowledge, as to where the money belonging to the Society, on the 16th of June, 1846, was situated, did Henrici possess that you do not possess?

Answer. Because he was mostly always at home with Mr. Rapp, and an inmate of his house, while I was much from home, travelling on business for the Society.

445. Question. When did Henrici inform you that the money on hand, on the 16th of June, 1846, was in the vault referred to?

Answer. He has several times told me. The first time, to the best of my recollection, in the year 1846, before Mr. Rapp's death.

446. Question. What other information, upon that subject, have you, except the information received from Henrici?

Answer. I have some information from Eusebius Bœhm.

447. Question. Who is Eusebius Bœhm, and what information have you from him on that subject?

Answer. He is the gardener, and close and confidential attendant on Mr. Rapp, particularly so since the death of Fleckhammer; and I understood from Henrici that he and Bœhm together stowed away the money; I have the same from Bœhm.

448. Question. When was it that Henrici told you he and Bœhm stowed away the money?

Answer. As far as I recollect, it was those times we talked about it, as before stated.

449. Question. How came he to tell you in the year 1846?

Answer. That was the period when Mr. Rapp wanted no more specie. I don't know what gave rise to the conversation.

450. Question. What time, in the year 1846, was this conversation between you and Henrici?

Answer. I don't recollect; my best impression is, it was in the spring.

451. Question. Do you think it was before or after, or in the month of June?

Answer. I think it was before.

452. Question. How long before the month of June, 1846, you think it was that Henrici told you, for the first time, that he and Bœhm had stowed away the money?

Answer. I have no distinct recollection now; but I understood that the money referred to had been thus stowed away, and the vault closed.

453. Question. What indistinct recollection have you of its being before the month of June, 1846?

(Defendants except to the question, for the reason that the witness has not stated that he had any indistinct recollection on the subject; that the testimony is not relevant or competent on a cross-examination of account, though stated by the witness in chief.)

Answer. I know nothing except what I have stated before.

454. Question. State, as nearly as you can recollect, all that Henrici told, in 1846, about the money being stowed away, giving his language, as nearly as you can recollect it.

(The defendants except to the question of Henrici, as the declarations to him are not evidence, nor is the proposed testimony relevant or competent for any purpose.)

(Objection overruled.)

Answer. As near as I can recollect, Father Rapp wanted no more specie; that the balance on hand, not before in the vault, had been put in, and it was closed. That is the sum and substance of the conversation generally on that subject.

455. Question. You mention, as other information that enables you to speak of the location of the money on hand, on the 16th of June, 1846, that you had some information from Eusebius Bœhm. Please state when you received that information from him?

Answer. I cannot state any time.

456. Question. Please state, according to the best of your recollection, whether it was before or after the year 1846?

Answer. My impression is, it was since.

457. Question. What creates the impression it was since the year 1846?

Answer. That I heard something from him for the first time, which I had heard before; nothing else.

458. Question. Please state, as near as you can, what information you received from Eusebius Bœhm on that subject, giving, as near as you can, his language, and if you cannot give the words, give the substance or import.

Answer. I am not able to give any more than I have given.

459. Question. You say, in answer to a previous inquiry, in respect to the location of the money on hand, on the 16th of June, 1846, as follows:—"I have some information from Eusebius Bœhm."

Please state, as nearly as you can, the particulars of that information.

Answer. I have stated before, that he told me that he and Henrici had stowed away the money and closed the vault. I did not ask him where it was, nor I do not know where it is.

460. Question. Did he inform you what kind of vessels the money stowed away by him was contained in?

Answer. I think not; I had sometimes seen him make boxes, for holding specie, out of black locust.

461. Question. Do you know what kind of vessels the money on hand, on the 16th of June, 1846, was stowed in, at that date?

Answer. I have no particular knowledge, but having seen Bœhm making such boxes, I infer from that, that the specie is mostly in such boxes.

462. Question. In how many boxes was it contained?

Answer. I cannot say.

463. Question. How many boxes did you see Bœhm make?

Answer. I cannot say.

464. Question. Have you any other information as to where the money of the Society was deposited, on the 16th of June, 1846, except what was communicated to you by Henrici and Bœhm, and what you have stated in your previous answers?

Answer. I have none.

465. Question. If you do not know where the money on hand, on the 16th of June, 1846, was deposited, and have neither seen the place of deposit nor know in what number of vessels it was contained, nor when it was deposited in the place you say it was, on the 16th of June, 1846, please to explain how you can say on oath what amount of money was deposited there on that day.

Answer. I have stated before, that we had summed up in September, 1845, and found that by the additions, that Mr. Rapp's order had been filled, and that nearly all had been stowed away before that time, and the balance, making the aggregate, having been added, and the vault closed, as I was informed, I take it for matter of fact, that the whole amount was so stowed away, and remains undisturbed to this day; as the confidence I have in either Henrici or Bœhm is such, from long experience, that they would not say anything but what was strictly true on such an important subject. As to the best of my belief, they would not secrete, embezzle, nor convert to their own use wrongfully, one cent of the Society's property; and anything intrusted to their hands, of whatever nature it may be, I would, at all times, consider as safe as in my hands, or any other person's, in these United States of America.

466. Question. Did Bœhm tell you what amount of money he had stowed, or helped to stow away?

Answer. He did not.

467. Question. Was the money all stowed away at one time, or at different times, where it now is?

Answer. At different times; generally when it was received, as I believe.

568. Question. Can you state how many times money was stowed away in the vault, where you say that the $510,000 are now deposited?

Answer. I cannot.

469. Question. Can you say how many persons have stowed away money in that vault?

Answer. I cannot; but from my firm belief that no one else, except Henrici and Bœhm know anything of the location of it, I take it for matter of fact, to the best of my belief, that no person else but Henrici and Bœhm helped to stow away any of said money.

470. Question. Do you know whether Henrici and Bœhm always assisted each other, and were together when money was stowed in that vault?

Answer. I do not.

471. Question. Do you know how long it was between the time the first money was stowed in that vault, and the time when the last was stowed in it?

Answer. I have no exact knowledge of either period.

472. Question. State, to the best of your recollection and belief, the periods.

Answer. To the best of my belief, the first deposit in it was that removed from the damp vault, according to what Fleckhammer told me, and which may have been not long before his death, which took place in 1842 or 1843. The last cannot have been long before the conversation of Henrici on that subject, in the spring of 1846.

473. Question. Can you tell how you and Henrici came to talk on that subject, in the spring of 1846?

Answer. Nothing more than the fulfilling of Mr. Rapp's order—a certain amount.

474. Question. In a preceding answer, you say the vault was closed. Please to say what you mean by that expression.

Answer. That it was not any more open after that, but was perfectly secured until this time. I never heard the particular manner of it by any one.

475. Question. Please to state, according to the best of your recollection and belief on the subject, who closed the vault, and how long before Rapp's death?

Answer. I believe Bœhm closed it; as to the time, I cannot say.

476. Question. You say that, to the best of your belief, the first deposit in the present vault was that removed from the damp vault, not long before Fleckhammer's death. Please to state what amount of money you believe to have been then removed from one vault to the other.

Answer. As I have no knowledge of the precise time when that removal took place, I have no means of knowing or giving any ac-

count; it would, to the best of my belief, be that amount which had been put there into the first vault, up to the time it was removed. That is all I can say.

477. Question. Please state what kind of coin it was you brought home from Pittsburgh first, in 1835; I mean the $10,000.

Answer. To the best of my knowledge it was silver; American half dollars.

478. Question. When you brought that coin to Economy what did you do with it?

Answer. I have no distinct recollection who was present when it was unloaded from the dray; but such deliveries generally were made to Mr. Rapp, in the presence of himself and Henrici.

479. Question. Have you any recollection, distinct or otherwise, of seeing that money unloaded from the dray.

Answer. I cannot bring any circumstance to my mind at present to recollect the unloading of it; but I do recollect that the amount, at that time brought home, was added to that on hand before, and forms part of the aggregate stated.

480. Question. Please explain how it was added.

Answer. As it was entered in the quarto book, it would of course be added to the rest.

481. Question. Who entered it in the quarto book?

Answer. It was either Henrici or myself.

482. Question. Please give the words and figures that constituted that entry.

Answer. I cannot now bring to my mind the strict manner of that particular entry; but the entries in that book generally were made close together, stating the time when received, where from, and the kind of coin it was, and the amount of course, as but one account was kept of these importations or additions, with the sole view to procure the amount ultimately wanted, as before stated.

483. Question. Can you say whether the entry, in respect to this particular importation from Pittsburgh, now spoken of, was made by yourself or was made by Henrici?

Answer. I cannot now say, but I do know that it was entered and constituted a part of the amount stated.

484. State the date of that entry, when it was made.

Answer. I have stated in a former answer, that this money was brought home in cold weather, in the winter of 1835; I think in December. The entry was made at that time, immediately on its arrival, as it was our practice of doing. If I had had ever an idea of being brought to an account, at this late day, about these matters, I would certainly have kept, as I had the means of doing, a private register of the same, by which I might be able to show day and dates, as I am sorry that my memory does not, possibly, to the full extent in every respect. The multiplicity of questions put to me on this occasion, I have stated before, that it was not my intention, nor wish,

nor desire, to conceal, secrete, or purloin from the investigator of this matter anything which may throw light on the subject; and I do repeat again in truth, without deviation from it, that whatever coin, from the year 1834 up to the time, as stated before, when the $510,000 were obtained, that that sum constituted, and was, to the best of my belief, all the hard money the Society possessed in any shape, manner, or place wheresoever in this world, as we kept only one deposit account, and only one treasury, and only one object, and that was to fulfil the order given.

485. Question. Was the only deposit account kept, referred to in your foregoing answer, the one which you have spoken of heretofore as having been burned by Henrici?

Answer. It is the one referred to as burned by Henrici.

486. Question. When you say we kept only "one treasury," do you refer to the place of deposit or vault which, in preceding answer, you have stated that you have never seen and do not know the precise place where it is located?

Answer. When I say but one treasury I mean the money on hand, whether in a vault or an iron safe or wherever it might be, constituted the assets in said treasury.

487. Question. Please state the last time you have any distinct recollection of seeing the money brought home by you from Pittsburgh in the cold weather of 1835, and the exact spot where said money was when you last distinctly remember to have seen it.

Answer. I have at this time no recollection of it.

488. Question. You say you brought home, in tobacco kegs, $35,000 from the Branch Bank of the United States at Pittsburgh, in 1835 or 1836. Please state, according to the best of your present recollection, in which of those years it was brought home.

Answer. I think it was brought home in December, 1835; it strikes me it was before the $10,000 before spoken of.

489. Question. To whom did you deliver that money?

Answer. To Mr. Rapp and Henrici.

490. Question. Where were they when you delivered it to them?

Answer. To the best of my recollection in Mr. Rapp's yard.

491. Question. Was it in daytime or at night?

Answer. I do not recollect.

492. Question. What did you see them do with that money?

Answer. I have no recollection as to when the delivery was made to them, it was out of my charge, given over to their care.

493. Question. Did you ever see it afterwards?

Answer. To the best of my recollection, I seen the kegs in the damp vault.

494. Question. At what time did you see the kegs in the damp vault?

Answer. To the best of my recollection a short time after their arrival from Pittsburgh.

495. Question. Please explain what length of time you include in a short time.

Answer. Inside of a month, to the best of my recollection.

496. Question. Did you ever see them again after the occasion you above refer to? if so when and where?

Answer. I have no recollection of it.

(Here the witness desired to make the following explanation:—Upon reflection, I find the fact of bringing home, in 1835, money at two different times, may have been a mistake; I am certain. I think that the $35,000 was brought home from the Branch Bank, as stated. It is to my better recollection that the $10,000 first spoken of, was brought home one year, perhaps two, afterwards.

497. Question. Please to explain what circumstances now create the impression on your mind, that the fact of bringing home money from Pittsburgh two different times, in 1835, may have been a mistake, and when that impression first occurred to you.

Answer. I mentioned, I think, yesterday, or the day before, upon reflection, I found I had omitted in my testimony the bringing home of $35,000, in December, 1835; but had mentioned $10,000; and this reflection brought to my mind that the $35,000 was brought home at that time, and that the $10,000 must have been, to my best recollection, one or two years after. This morning, upon comparing the time in answer to the former question in relation to those two lots of money, the mistake occurred to me.

498. Question. Please state now, as nearly as you can, the time when the $10,000 from Pittsburgh, which you heretofore said was brought in 1835, was in fact brought.

Answer. I don't recollect whether it was in 1836 or 1837; I could not tell which.

499. Question. Please state where it was procured from.

Answer. From the Bank of Pittsburgh.

500. Question. When you brought home the money procured from the United States Bank at Philadelphia, in October, 1836, state what you did with it.

Answer. It was taken to Mr. Rapp's house and delivered to him and Henrici.

501. Question. Where were Mr. Rapp and Henrici when you delivered it to them? state in what part of the house.

Answer. I do not now recollect; the packages generally on such occasions would be unloaded in Mr. Rapp's yard, and then conveyed to the room where the iron safe was.

502. Question. Do you remember to have seen both Henrici and Mr. Rapp when you delivered those packages?

Answer. I have now no recollection whether they were both together; Henrici would generally notify Mr. Rapp, and he would come.

503. Question. On what occasion, upon the delivery of money by

you, do you know of Henrici notifying Mr. Rapp, and how do you know it?

Answer. It was generally the case on such occasions; I can at present refer to one particular occasion. I think it was when I brought the last money from Philadelphia, 35,000 referred to before, that Henrici and I opened the boxes or bags, and Mr. Henrici notified Mr. Rapp, and he came into the room where we began to count it.

504. Question. Please state the time, as near as you can, when this occurred, and the room in which you and Henrici counted the money on that occasion.

Answer. As near as I can recollect now it was in the month of May, 1843, and the room where the iron safe is.

505. Question. State, as near as you can recollect, the place at which you delivered the money brought from Philadelphia in October, 1836, and at which your custody of it ceased.

Answer. I have no particular recollection, but the deliveries were generally made at Mr. Rapp's yard, and when delivered my custody or immediate care of it ceased.

506. Question. Please state where you delivered the money brought from Philadelphia in October, 1838, and to whom you delivered that money.

Answer. That money being contained in four half barrels packed with dye-wood, to the best of my recollection, was unloaded at the gate entering the passage between the garden and the west side of the house, from where it would be as easily taken into the iron safe room as from any other part of the yard. The delivery was made as usual to Mr. Rapp and Henrici, and amounted to $110,000; and this is included in the sum total.

507. Question. Please state whether Mr. Rapp and Mr. Henrici were both at the gate when that money was delivered.

Answer. I do not now recollect.

508. Question. Will you explain why the presence of both Rapp and Henrici was required or occurred at any time that you delivered money?

Answer. The presence of Mr. Rapp was not specially required, but the courtesy and friendship existing in our Society, particularly between the superintendent and sub-agents, and the satisfaction I felt on the ending of a successful mission, it was no more than proper and business like that the superintendent, with Henrici, the other sub-agent, should meet me and receive from my hands the packages brought home. About in the same way as if a gentleman had sent out to have a fine horse bought, on the arrival of which the gentleman would come out and look at him.

509. Question. Please to state what was generally done on those occasions by Mr. Rapp, and what was done by Henrici.

Answer. Fleckhammer and Boehm would generally open the out-

side packages and carry the inside packages to the room of the iron safe, before-mentioned. Henrici would aid in the conveyance, and Rapp would look on.

510. Question. Where did you last see the $110,000 brought from Philadelphia, and when?

Answer. To the best of my recollection in the room where the iron safe was. I have no recollection of having seen them since.

511. Question. Please state how the money brought by you from Philadelphia the third time, was transported, which you say was brought in 1841 or 1842.

Answer. I won't now be positive, but I think it was packed in a barrel or two—the vacant parts filled with chips or ground dyewood—and I think it was transported among the merchandise, to Pittsburgh—from thence to Economy.

512. Question. Did you accompany that money from Philadelphia to Economy?

Answer. I do not recollect.

513. Question. What was the amount of money that you procured in Philadelphia, on that occasion? State it exactly, as near as you can.

Answer. I cannot come nearer than to say about 50,000 dollars.

514. Question. Where, in Philadelphia, did you procure it from?

Answer. To the best of my recollection, from the Bank of the United States; but having once obtained some from the Bank of North America, in Philadelphia, I do not now recollect whether that part of that money received from the latter was a part of those 50,000 dollars, or a part of the 35,000 dollars spoken of as having been obtained from Philadelphia.

515. Question. You say that about 50,000 dollars was brought from Philadelphia in 1841 or '42. Please designate, to the best of your recollection, in which year it was brought.

Answer. My impression now is, it was in 1841.

516. Question. Describe the coin, and how you procured it.

Answer. The portion from the U. S. Bank was, I should think, on the check of Mr. Rapp, and perhaps a portion of it was bills of exchange, which I brought from home. I have no distinct recollection whether it was all foreign, or partly foreign and partly American gold. I think such was the case with that part we received from the Bank of North America.

517. Question. What was the amount of Mr. Rapp's check on the Bank of the United States, on that occasion?

Answer. I do not recollect; but to the best of my belief, it must have been over the half of said sum.

518. Question. If you do not recollect the amount of Mr. Rapp's check, please state the grounds of the belief you have just expressed, with regard to the amount.

Answer. Because our operation tending towards the procuring of

gold, which was more readily obtained in Philadelphia than Pittsburgh, Mr. Rapp's deposits would be larger in the U. States Bank, in Philadelphia, than at Pittsburgh, where the checks, if I had any that year, would most likely have been procured.

519. Question. Please explain how the relative amount of Mr. Rapp's deposits at Pittsburgh, and the amount of his deposits in the Bank of the United States, affords any ground of belief as to the amount of the check on the Bank of the United States, above inquired about.

Answer. I have stated in my previous answer, that gold was more readily obtained in Philadelphia than Pittsburgh, and having funds in Philadelphia, created by the sales of wool and woollens, we would frequently remit by mail, to said Bank, remittances from home, which would gradually increase the deposits in Philadelpha, and decrease the deposits in Pittsburgh.

520. Question. Have you any other grounds for the belief you have expressed above, as to the amount of Mr. Rapp's check on the Bank of the United States, than you have stated in your two last answers?

Answer. No other occurs to me now.

521. Question. What was the amount of money obtained from the Bank of North America, and in what year was it, according to the best of your recollection?

Answer. I think it was obtained on checks from home; the sum, as near as I can recollect, was about 8,000 dollars; and as I stated before, I cannot now tell whether that part received from the Bank of North America was a part of the $50,000 or of the $35,000 last obtained.

522. Question. Upon whose checks was the money obtained from the Bank of North America?

Answer. I cannot now say.

523. Question. How did you come by those checks?

Answer. I cannot say particularly how.

524. Question. In what season of the year was it, that you brought the lot of money from Philadelphia, before referred to, which you call about $50,000?

Answer. To the best of my recollection, it was in the month of May; it might have been in April.

525. Question. What proportion of this lot was obtained from the Bank of the United States, on Mr. Rapp's check, and what proportion on bills sold to the Bank?

Answer. I do not remember.

526. Question. Please state in what manner the money obtained from Philadelphia, in 1843, was transported from thence to Economy.

Answer. I am not certain whether it was in barrels or in boxes; my impression is rather in favor of boxes.

527. Question. Please state where that money was procured, and in what kind of coin.

Answer. I don't recollect now ever to have received any coin from any Bank, except the Bank of the United States and the Bank of North America, in Philadelphia; and therefore, I believe, it was received from the Bank of the United States, unless the amount before stated as having been received from the Bank of North America was a part of it. It was gold. I do not recollect what portion was foreign, and what portion American. There were two kinds.

528. Question. Look at the paper marked G, by you produced, and say what that paper is; by whom it was made out; when, where, and in what language?

Answer. This paper is called the Society Account of 1851, ending Dec. 31st, 1851, made out by myself in the German language, Dec. 31st, 1851.

529. Question. State the object or purpose of making out that account.

Answer. It shows the expenditures and receipts of the Society, of that year, and was made out for the purpose of showing it to the Board of Elders.

530. Question. What is represented by the item of 13,224$\frac{33}{100}$ dollars, on the left hand side of that account?

Answer. The balance in favor of the income of receipts of the Society, for that year.

531. Question. What was the total amount of expenses of the Society, for that year?

Answer. According to the account, 7,586$\frac{93}{100}$ dollars.

532. Question. From what did you obtain the items of these expenses?

Answer. Mostly from the general invoice book.

533. Question. Designate what items are obtained from other sources than the general invoice book, and state from what sources they are obtained.

Answer. A portion are obtained from what we call the produce book, and a portion from the Society accounts contained in the Mechanic Book. State, county, and school-tax, from the receipts of the collectors. Stone-coal account, from the stone-coal book. These are all the sources, except the one before stated.

534. Question. Designate what items in that expense account are obtained from what you call the produce book, and by whom that book is kept.

Answer. The first item, which is taken from the produce book, is oak-shingles, flax, colts, locust and oak timber, cord wood, rye, and wheat bought, &c. That book is kept by the storekeeper.

535. Question. Designate what items in that expense account are taken from the mechanic book, and by whom it is kept.

Answer. Sugar, oil colors, scythes, hinges, and screws, &c. That

book is kept by the storekeeper. It also contains the item of medicine.

536. Question. What items of expenses or outlay are not included in that account?

Answer. Expenses of building or repairing any of the houses or establishments of the Economy Society. I do not know of any other cash outlay.

537. Question. Please to explain what you mean by expenses of building or repairing in the preceding answer.

Answer. Work done by the members of the Society, for which no money is paid.

538. Question. Please to state what accounts are kept in what you term the stone-coal book, and by whom that book is kept.

Answer. That book showed the aggregate of coal bought yearly, and the different places where consumed. Nothing else is contained in it that I know of, and it is kept by the storekeeper.

539. Question. Are all the expenditures of the Society contained in the general invoice book, produce book, the mechanic book, and the stone-coal book; are any expenditures entered in any other books?

Answer. I see one item here of store-goods "for families," 250 dollars, which was kept in the family book; and expenses of freight were kept in a small book by itself, called the Freight Book. They are also kept by the storekeeper. These are all the books.

540. Question. Are there any items contained in that expense account that are not contained in some book of entries from which the account is taken?

Answer. The amount of cotton yarn furnished the Society for its use, is reported by the manager of the cotton factory, on paper, not in a book. I do not see anything else. The manager of the factory keeps a book, in which the amount of the cotton yarn is kept.

541. Question. Please look at the right hand side of that account, and say what it represents.

Answer. The receipts of the Society for the year 1851.

542. Question. State from what books or entries that account is taken.

Answer. The first five lines are taken from the general sales-book, except that portion which was furnished to the tavern. The man who has charge of the cellars, furnishes an account of the liquors for the tavern, at the end of the year. The item No. 6, is furnished by the tavern-keeper: I do not know how he keeps the account. No. 7, is furnished by the head foreman, and represents what he has sold. No. 8, the gain on wool, is taken from the wool book. Meat for the tavern, is furnished by the butcher from his book. No. 9, is taken from the mill account, on the mechanic book. No. 10, from the bake-house account, in the mechanic book. Nos. 11 and 12 are furnished by the tanner, from his book. No. 13, is taken from the

mechanic book—so also Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25, are all taken from the mechanic book, from the accounts in that book, under their respective heads of the Nos. above given. No. 26 is furnished by the manager of the cotton factory, from his book. No. 27, from the book containing the entries of loans and stocks, which is a separate book by itself. No. 28—this ought to be taken from credit given to the Society in the mechanic book, if at all entered. Not certain whether it was entered or not.

543. Question. What were the receipts of the Society for the year 1851?

Answer. According to the account, the receipts were $20,-811$\frac{33}{100}$. This represents the actual cash receipts, except the cotton yarn, $705, which was not all sold.

544. Question. Looking to that account, state what is the actual cash balance for that year it represents, in favor of the income.

Answer. It represents $13,224$\frac{33}{100}$, less the cotton yarn, $705, of which amount I do not know what was sold. The whole of the cotton yarn is stated at its cash value, and the balance stated on the account is $13,224$\frac{33}{100}$.

545. Question. Please to state whether that account exhibits all the cash receipts of the Society, in that year.

Answer. It does not.

546. Question. Please state what receipts are omitted.

Answer. Cash received for outstanding claims, including land sales, goods sold, the manufacture of former years, and cash taken by the store. That is all I recollect now that is omitted.

547. Question. What was the amount of cash received that year for outstanding claims?

Answer. I cannot tell.

548. Question. Can you ascertain the amount by reference to any books or papers?

Answer. I cannot.

549. Question. By whom would such cash be received?

Answer. If received at Economy, it would be received at the store. Collections through banks are received in the Banks. That at the store would be received by the storekeeper; that collected by Banks is placed to my credit (since the death of Mr. Rapp) as Trustee.

550. Question. When you say, if payments were made at Economy, they would be made to the storekeeper—please name the individual you refer to?

Answer. Either Henrici or myself.

551. Question. Would there be no entry made in any book, of cash received by you at Bank, on claims—or of cash received by you or Henrici at the store, on such claims?

Answer. There is generally no entry made, other than the debtor would receive credit for the money paid by him. Nothing more.

552. Question. You say there was generally no entry made. Please name the exceptions to that general rule, and under what circumstances an entry would be made, and what kind of entry?

Answer. If money is drawn from a Bank, for the purpose of purchasing wool, cotton or cattle, the amount is entered to my debit in said Bank, and no entry made of it at home. If a debt is paid at home, the debtor is credited for it; and as I have stated before, when the cash on hand at the store amounts to several hundred dollars, it is then deposited in the iron safe.

553. Question. Please state whether any other entries than those you have just mentioned, are made in transactions of the character stated by you?

Answer. I do not know of any other.

554. Question. When the cash on hand at the store amounts to such a sum as that a deposit is made in the iron safe, what entry is made of such deposit?

Answer. Formerly, we did enter the deposits, but for some three, four or five years past, the receipts at the store being limited, we seldom made deposits, and ceased entering them, as the money on hand would speak for itself, and the Trustees possessing the fullest confidence in each other, that neither of them would appropriate one cent but for the use and benefit of the Society.

555. Question. In whose custody was the money, when deposited in the iron safe?

Answer. In the custody of the Trustees, as no one else has access to it. Henrici and myself are Trustees.

556. Question. Can either one of the Trustees at any time deposit money in that safe, or take money from it, at his own will?

Answer. Yes, they can.

557. Question. Has each of the Trustees a key to the safe?

Answer. As I have stated before, there are two keys, but they lay in the same place.

558. Question. What do you mean by saying the receipts of the store "being limited," for three, four or five years past?

Answer. I mean that the sales have fallen off—that we had at one time concluded to close the store for the country custom, and it was closed, or nearly so, for about a year, until the railroad was located through Economy. We opened it again, but since the time of its completion, the neighboring people go to Pittsburgh to trade, and it is scarcely worth while keeping it open.

559. Question. You say, that formerly "we did enter the deposits." Please to explain the nature of such entry—by whom it was made, and in what book?

Answer. It was made in the cash book, naming the day and the amount; and the deposit would be made by Mr. Henrici or myself, and the entry, too.

560. Question. Please state in whose custody that cash book was, and where it now is?

Answer. It was at the store, and is there now.

561. Question. You have said that the account of receipts, referred to heretofore in your answer No. , does not exhibit the cash received for goods sold—the manufacture of former years. Please state what amount of cash on that account was received in the year 1851.

Answer. I cannot tell.

562. Question. Are there no back entries or memorandums, by which you can ascertain the amount?

(To this question, the defendants' counsel object, for the following reasons: That the testimony would be wholly irrelevant to the subject-matter before the Master; not within the scope of authority committed to him by the decree of the Court. It is not a cross-examination of the witness, Baker. That an examination into the matters proposed by the question, five years after the 16th of June, 1846, would throw no light upon the condition of the Society in June, 1846. The witness having, in his examination-in-chief, furnished full written statements of the property and assets of the Society in June, 1846, the same are higher and better evidence to enable the Master to arrive at a more correct conclusion respecting the matters submitted to him by the Court, than could result from the answer to the proposed question; and that the witness would be under no obligation to make the examination that would enable him to answer the above inquiry.)

(The Master decides the question to be proper for the witness to answer, and defendants' counsel excepts to that decision.)

Answer. I think not.

563. Question. Have you no recollection as to the amount?

(Defendants' counsel objects to the question, on the ground that the testimony would be irrelevant; that it is a question which the complainant has not a right, under the commission, to ask, and which the witness is not bound to answer.)

(The Master decides as in the former case, and defendants' counsel excepts to that decision.)

Answer. I have none.

564. Question. Please state the amount received in 1851, from land sales.

(Defendants' counsel objects to this question. That the amount received in 1851, for the sale of land, is perfectly immaterial in the inquiry submitted to the Master, and can throw no light whatever upon the value of the estate of the Harmony Society—of their rights, credits, stocks, money, and effects, as the same were on the 16th day of June, 1819, on the 16th day of June, 1846, or any intervening period.)

(The Master decides the question as proper, as it refers to a former answer of the witness, where he states that the account produced by him, omitted to mention the cash received for land sales.)

(Excepted to by defendants' counsel.)

Answer. I cannot say.

565. Question. Have you no means, by reference to any book, memorandum, or entry, to ascertain the amount?

(Defendants' counsel objects to this question, being irrelevant to the inquiry submitted to the Master, as oppressive upon the defendants, involving an inquiry into matters perfectly immaterial to the legitimate subjects of controversy, imposing upon the witness labor, burthen or inquiry not contemplated or warranted by the spirit, design, or intention of the decree of the Court, and affording no aid to the Master in arriving at a correct result in reference to the matter submitted to him; and also, because, on a former day, the Master admitted, under exception, the annual and Society accounts of 1848, '49, '50, and '51, with the professed object of enabling him to arrive at a correct result as to the amount of property owned by the Society, on the 16th day of June, 1846, and with no other view, and for no other purpose; and because the witness, one of the defendants in this cause, and his counsel, as a matter of fairness and justice to the witness, that the examination of the witness in relation to the accounts and statements furnished subsequent to 1846, should be made in the order of dates of those accounts and statements, beginning at 1848, and continuing on from that period, as affording a fair and just means of enabling the witness to make accurate statements, and arrive at correct results, which request has been declined, and the examination of the account of 1851 being insisted upon by the complainant's counsel in the first instance.)

(The Master decides as in the former case, and defendants' counsel excepts to that decision.)

Answer. I have no recollection of it.

566. Question. Please state what amount of cash was taken in at the store in 1851?

(Defendants' counsel objects to the foregoing question, for the reason that the answer could afford no possible light to the Master in enabling him to decide and report upon the value of the estate of the Harmony Society on the 16th of June, 1846, the period to which his inquiries are limited by the decree of the Court.)

(Master decides as before, and defendants' counsel excepts to that decision.)

Answer. I cannot tell; I have no means of ascertaining.

567. Question. Please to look at the account in Exhibit C, commencing at page 1, A, and terminating at page 10, A, and say what it is intended to exhibit?

Answer. The first is claims due the Society—agreements, judgments, and mortgages, stocks, cash, and museum sold.

568. Question. Please state when and by whom that account was made out, and for what purpose?

Answer. It was made out by myself at the close of the year 1851, for the purpose of ascertaining the whole amount of the items above stated?

569. Question. Look at page 10, A, item No. 1, and say what it is intended to represent?

(Defendants' counsel objects to this question, for the reason that the account has been produced, under the decision of the Master, for the purpose of enabling him to ascertain the amount of property owned by the Society on the 16th day of June, 1846, and for no other purpose; and that the account being in evidence for that purpose, and for that purpose only, the proposed evidence would be irrelevant for any purpose apparent on the face of the question and proceedings; and if intended to impeach the account or the testimony of the witness, is incompetent.)

(This question decided as proper to be answered. Defendants' counsel excepts to the decision.)

Answer. No. 1 is claims due the Society by book account or notes.

570. Question. State in whose possession those accounts and notes are, when they become due and owing to the Economy Society, and whether they are bearing interest or not?

(Defendants' counsel objects to this question as perfectly irrelevant; as leading to an inquiry in which the complainant has no interest; as throwing no possible light on the legitimate subject of inquiry to be made by the Master under the decree of the Court; as beyond his power, with any propriety, to inquire into; as oppressive upon, and a violation of the rights of the defendants, and the exercise under the forms of law of an inquisitorial power, and repugnant to right, equity, and justice.)

(The Master decides as before, and defendants' counsel excepts to the decision of the Master.)

Answer. A portion of them, which are unpaid, are in possession of the Trustees. I cannot tell from memory when they became due; and as near as I can tell, I would say that $13,716 bear interest, and the balance, $4,584, do not bear interest.

571. Question. Please to state in whose possession the claims specified in item No. 2, page 10, A, are, and when the same become due and owing?

(Excepted to by defendants' counsel. That the custody or possession of the accounts is immaterial; and as it does not appear that the accounts existed previous to the 16th of June, 1846, it is entirely unimportant for the object of the present inquiry.)

(The Master decides as in the two former cases, and to which the defendants' counsel excepts.)

Answer. In possession of the Trustees, Henrici and myself. I cannot tell by recollection when they become due.

572. Question. Please to look at item No. 3, page 10, A, Agreements 4609, and say to whom those agreements are payable, when they were contracted and become due?

(Defendants' counsel objects to this question, it not appearing that the said agreements were in existence on the 16th of June, 1846;

that they were given for any consideration belonging to the Society at that time, or that the complainant has any interest in them, or any right to inquire in this proceeding in relation to their origin, or any other matter connected with them.)

(Excepted to by defendants' counsel.)

Answer. They are payable to Mr. Henrici and myself, as Trustees. They were contracted since June 16th, 1846, and I can't tell when due.

573. Question. Please look at item No. 4, page 10, A, Judgments, $13,183, and say when those judgments were rendered, and in what court they were entered, and in favor of what person upon the record.

(Defendants' counsel objects, on the ground that these being matters of record, the time of rendering them may be ascertained with certainty from the records themselves. It would be unreasonable to require the witness to testify from recollection, as to such time of entering.)

(The Master sustains the objections of the defendants' counsel, so far as relates to the dates of the judgments, the record itself being the best evidence of that fact; but requires the witness to state in what courts they are entered.)

Answer. There are some in Allegheny County, some in Beaver County, and one in Jefferson County, Pa., in favor of Henrici and myself, or one of us, to the best of my recollection.

574. Question. Please look at item No. 5, Mortgages—$37,955 61—and say to whom those mortgages were given, and in whose possession they now are, and where they are recorded.

(Objected to as irrelevant.)

Answer. They were given to one or both of the trustees, and one to George Rapp; all in Allegheny and Beaver Counties. All given since June, 1846, except one for $600 to George Rapp, and recorded in Allegheny County.

575. Question. Look at item No. 6, page 10, A, and say from what sources that item is obtained.

(Defendants' counsel objects to this inquiry. The witness in his examination in chief has stated the stocks owned by the Society in June, 1846, to wit: Pennsylvania and Ohio, 110 shares; Brighton Bridge, 60 shares; Bank of Kentucky, 27 shares; Bank of Vincennes, 14 shares; and an inquiry into the source of any other stocks subsequently acquired would be irrelevant and immaterial; the defendants' counsel not objecting to the inquiry in relation to the stocks above enumerated, nor to any inquiries that relate to the stocks owned by the Society in June, 1846.)

(The Master decides the question proper. Defendants' counsel excepts to the decision.)

Answer. This item is taken from the book in which those stocks are entered.

576. Question. Please state what that book is called, and in whose possession it is.

(Objected to by defendants' counsel.)

Answer. It is a book called the account of judgments, mortgages and stocks, in the possession of Henrici and myself.

577. Question. Is it a separate book in which those items of loan are contained, or does it contain also other entries upon other subjects?

(Objected to by defendants' counsel.)

Answer. Business notes in the shape of bills payable are also entered in that book; I know nothing else.

578. Question. Please look at item No. 7, page 10, A, cash, and say from what sources that item is obtained.

(Defendants' counsel objects—That the decree of the Court vests no right in the Master to require the witness to state from what sources the money represented by him to have been on hand in December, 1851, was obtained; such inquiry is totally irrelevant, could not affect, in any manner, the present inquiry, and it would be exposing the affairs of the Society at a period more than six years subsequent to the 16th of June, 1846, to a scrutiny not contemplated by the decree of the Court, or justified by any necessity or propriety.)

(The Master decides in favor of the question being answered, and defendants' counsel excepts to that decision.)

Answer. $12,500 of the amount is obtained from the book before mentioned; $2250 from the bank books—Merchants and Manufacturers' Bank of Pittsburgh, Bank of Pittsburgh, and S. Jones & Co., bankers. The balance of item No. 7 is cash on hand.

579. Question. Look at item No. 8, page 10, A, and say from what source that is taken.

Answer. It is the amount for which the Economy Museum was sold.

580. Question. Please state whether that item is entered in any book of the Society, and what book.

Answer. I do not recollect any particular entry, as we hold the notes of the purchaser for the amount.

581. Question. Look at No. 22, sundries—$183—on the right hand side of the Society account for the year 1851, and say from what source that item is obtained.

(Objected to by defendants' counsel, on the ground that it is immaterial, being a transaction on its face long subsequent to the 16th of June, 1846, and wholly unconnected with the amount or condition of the Society at that period.)

(The Master decides the question proper; excepted to by defendants' counsel.)

Answer. It is mostly taken from the Society credit account in the mechanic book.

582. Question. Please to produce the general invoice book, pro-

duce book, mechanic book, stone-coal book, family accounts books and cotton factory books, referred to by you as the sources from whence your statements of the expenses of the Society for the year 1851 were obtained, being the left hand column of paper G.

(Defendants' counsel objects to the witness being required to produce those books for any purpose or inquiry connected with the Society accounts of 1851, such inquiry being irrelevant to the present subject of examination, and incompetent proof in the present position and condition of the cause; but freely consents that the witness shall produce those, or any other books in custody, possession or within his control, that will show, or have a tendency to show, the property belonging to the Society in June, 1819, or June, 1846, so far as such books contain entries at or previous to the 16th June, 1846.

(The complainant's counsel states, that from the preceding examination of Mr. Baker, he believes that the books above called for contain evidence pertinent to this inquiry, and material, to show the property and assets of the Economy Society, on the 16th day of June, 1846; and that said account referred to the Master in this cause cannot be truly and correctly stated without the production and examination of the said books before the Master, in connection with the testimony of the witness now under examination, and that he requires their production for no other purpose than to obtain a true and correct statement of the account referred to the Master.

(Defendants' counsel believes that said books contain no testimony relevant or pertinent to the present inquiry, and that they will furnish no assistance to the Master in enabling him to ascertain and report the value of the property of the Harmony Society on the 16th day of June, 1846.

(Complainant's counsel here gives notice that the defendants are required to produce all books of accounts containing entries in relation to the affairs of said Society, from the organization of said Society until the 16th day of June, 1819, and all books containing entries in relation to the business of said Society, from the 16th day of June, 1819, to the present time.)

Adjourned to meet in Pittsburgh, Allegheny County, at the office of the Master, on Tuesday, August the 24th, 1852.

Tuesday, August 24th, 1852.

In pursuance of adjournment, the parties met at the office of the Master in Pittsburgh. Present, E. M. Stanton, Esq., for complainant, and A. W. Loomis and Wilson McCandless, Esquires, for respondents.

The question with regard to the production of the books, from which the annual statements of the Society's account for the year 1851 were made out, was decided by the Master in favor of the production of those books.

The defendants' counsel, believing the decision of the Master above

made to be incorrect, and that the books referred to, which are admitted to be within the possession and control of the witness, do not contain any evidence pertinent to the subject of the reference in this case, and not within the authority intended to be conferred on the Master by the decree of the Court in the case, and certainly without intentional disrespect to the Master or the Court, and without any desire or intention to contemn the authority of either, but simply in discharge of what they believe to be their duty and the protection of the rights of their clients, and with a view of obtaining the opinion of the Court upon this important question, respectfully advise their clients and the said witness not to produce said books, until opinion and order of the Court in the premises can be obtained.

583. Question. Will you produce the books heretofore required and ordered by the Master?

Answer. Under the advice of my counsel, and that the case has to be referred to the Court for further decision, I decline to produce them, so far as they contain entries for the year 1851.

584. Question. Please state whether any annual account was made out by you at the close of the year 1847.

Answer. There was none made out for 1847, that I know of.

585. Question. Please to state why no account was made out for 1847.

(Defendants' counsel objects to the question as irrelevant, the motive for making out the account being immaterial.)

Answer. At the death of Mr. Rapp, in August, 1847, when the present Board of Elders and Trustees were appointed, no call nor demand was made by any one of the members for an account; and at the close of that year (1847), the former sub-agents being appointed Trustees, and one of them (Henrici) being appointed Religious Leader, our duties in this new sphere of operation being increased, and our time constantly occupied, we therefore made no account that year, as the two Trustees had the books open before them any time they wished to refer to them, from which the annual account would have been made.

586. Question. Please state whether any annual account was made out at the close of the year 1846. If not, state the reason.

(Defendants' counsel except to this question as irrelevant, being after the 16th of June, 1846.)

Answer. To the best of my belief, I think there was one made out.

587. Question. Please state who made it out.

Answer. As I have stated before, these accounts were generally made out by Henrici and myself.

588. Question. Please state what reason you had for believing there was an account made out at the close of the year 1846.

Answer. Because it had been a regular custom.

589. Question. Please state where that account is, and when and where you last saw it.

Answer. I cannot tell where the account is, nor when or where I last saw it.

590. Question. If you ever saw it, where do you think it was at?

Answer. I have no recollection.

591. Question. Please state whether any annual account was made out at the close of the year 1845. If not, state the reason.

Answer. According to our custom, it is my belief one would be made out the same as other years.

592. Question. Please state whether you have any recollection of any account being made out at the close of the year 1845.

(Objected to by defendants' counsel. The witness has stated that all the accounts were destroyed by Mr. Rapp, and the inquiry is immaterial.)

Answer. According to our custom, we made out accounts every year.

593. Question. Do you believe, according to the best of your recollection, that an account was made out at the close of the year 1845?

Answer. I believe so.

594. Question. What became of that account?

Answer. As I have often stated before, such accounts were handed to Mr. Rapp at the close of the year.

595. Who handed them over to Mr. Rapp?

Answer. Henrici and myself.

596. Question. What were they handed to Mr. Rapp for?

(Defendants' counsel object to this question: First, because it is irrelevant; and second, because it has already been answered.)

Answer. For inspection. For the same reason for which the complainant, by his counsel, calls for books to ascertain the state of the affairs of the Harmony Society as well in 1819 as 1846, according to a decree of the Circuit Court of the United States for the Western District of Pennsylvania. Out of respect to said high tribunal, and not from any belief that this complainant has a right to this inquiry, according to the tenor of our articles of association, the defendants have taken great pains and labor, since the decree of the Court, to ascertain correctly, as near as possible, the state of the Society at those periods: but the books and statements have not been regularly examined from the beginning to those periods, which the defendants believe ought to have been done, to arrive regularly and systematically at the point aimed at; and the examination has been conducted by the plaintiff's counsel, in my opinion, with distrust and suspicion. And I fear, if the Society cannot make eight or ten dollars out of one which they do not possess, they will not be able to satisfy the high expectations entertained, and partially founded on random testimony, of eight or ten millions. But he who delivered over this victim to Pontius Pilate has greater sin than his counsel, who, it is currently reported, is to get only one-half of the amount of what he can make for the plaintiff out of the Society.

597. Question. When the accounts were inspected by Mr. Rapp, what was then done with them?

Answer. They were left with him.

598. Question. Where were they usually kept?

Answer. I cannot tell.

599. Question. Did you ever see any of those annual accounts after they were exhibited to Mr. Rapp?

Answer. I have no recollection of seeing them.

600. Question. Have you in your possession the books from which the annual statements or accounts were made out at the close of the year 1845?

Answer. Yes, I have.

601. Question. Please produce those books.

(Mr. Baker here produces a quarto blank book, Interest and Dividend book, marked R, 1; a Ledger, also marked R, 2; a petty Ledger, marked R, 3; a Day Book, marked R, 4.)

Answer. That is all.

602. Question. Are the books which you have produced, and above mentioned, all the books from which the annual account of 1845 was made out?

Answer. To the best of my recollection they are, except if there was any money in any of the banks at that time, that would appear in the bank books of that year.

603. Question. Please refer to your books, and state the items of the expenses of the Society for the year 1845, in the same manner, as near as you can recollect, as they would be stated in the annual account of the year, and exhibit the books and items of such account.

(Mr. Baker here produces a General Invoice Book, marked R, 5 (see pages from 485 to 506 inclusive), which shows purchases of merchandise for the Society and store, for the year 1845, amounting to the sum of $\$6{,}576\frac{41}{100}$. The witness has to refer to the Mechanic Book and Society Book, to designate the portion of the above amount (stated in the Invoice Book), which were for the use of the Society, and are to be charged as its expenses. Witness also produces another book, marked R, 6, called the Mechanic Book, being the book spoken of above, and from which the following items are taken, bought for the use of the Society:

Shoemakers' account,	page	65,	. . .	$106 93
Turners'	"	162,	. . .	2 50
Blacksmiths'	"	243,	. . .	109 11
Joiners'	"	250,	. . .	1 10
Machinery	"	254,	. . .	124 49
Cotton Factory	"	260,	. . .	87 00
Hatters'	"	261,	. . .	100 17
Doctors'	"	281,	. . .	182 99
Woollen Factory	"	284,	. . .	18 90

Society's account,	page 290, . . .	$254	36
Dyers' "	" 298, . . .	80	48
Wagon Makers' "	" 300, . . .	72	39
Silk Factory "	" 305, . . .	12	40
Tanners' "	" 309, . . .	184	66
Tavern "	" 313, . . .	166	18
		$1,503	66
Add to tavern, articles furnished by Society,		398	00
		$1,901	66
Amount brought forward, ...			$1,901 66
There are sundry articles taken from the Invoice Book, chargeable to the Society, amounting to the sum of,			2,422 01
48 head of cattle, from Mechanic Book, . . .			883 66
20 kegs of nails, from same book, ...			100 75
50 barrels of salt, from same, ...			63 99
Witness produces Stone Coal book, marked R, 7, 17,192 bushels of coal, 4¾ per bushel, ...			816 62
11,215 bushels of the above goes to the mill. Witness produces Produce book, marked R, 8, from which the items of corn, wheat, &c., amounted to, . . .			1,290 59
From Society book, R, 6, leather, page 311, . .			136 07
" " " R, 6, hats, " 261, . .			31 75
I have no means of ascertaining the report from the Cotton Factory, but refer to the annual statement of 1848, 925 pounds, ...			92 50
Same of the Woollen Factory, I have to refer to 1848,			100 00
Witness here produces Family Store Book, marked R, 9, from which is taken sums amounting, in the aggregate, ...			169 63
State, County, and School tax for 1845, estimated from the taxes paid for 1848, are, ...			916 34
Freight on the Ohio, estimated as above, . . .			100 00
Newspapers and postage, ...			50 00
Cotton used in 1845, ...			2,326 64
			$11,402 23

604. Question. Please to state the receipts of the Society for the year 1845, in the same manner as they would be stated in the annual account of that year.

(Witness here produces a general sales book, marked R, 10, from which the following items sold are taken.)

Leather,	$1,353 98	Am't bro't forward,	$15,321 53
Woollens,	6,515 54	Cider,	666 39
Cotton yarn,	3,799 16	Wine,	58 87
Hats,	214 37	Oil,	483 23
Cattle,	1,545 00	Sundries,	810 59
Machinery,	704 35	Items not enumer'd,	533 36
Whiskey,	2,189 13		
	$15,321 53		$17,873 97

The witness refers to Mechanic Book, R, 6, for the following liquors, &c., furnished by the Society to the tavern, . 345 84
School teacher's service, same book, ... 94 52
Saw Mill, same book, ... 12 00

Amount brought forward, ... $452 36
Witness refers to Wool Book, marked R, 11, wool on hand, 15,916¾ pounds, ... 4,095 38
Witness refers to Invoice Book, 6 cattle on hand, . 883 66
" " Produce Book, 8 pork on hand, . 498 26
Pasture money from drovers, estimated from 1848 acc., 137 03
Witness refers again to Mech. Book, 6, Shoe Shop,
" " " " " Turner Shop, 32 50
" " " " " Blacksmith, 271 00
" " " " " Joiner, . 15 00
" " " " " Hatter, . 314 98
" " " Doctor Shop and Museum, . 138 00
" " " Mech. Book, 6, Society, . 1,610 55
" " " " " Dyer, . 34 88
" " " " " Wagon Maker, 305 00
" " " " " Silk Factory, 568 00
" " " " " Tanner, 2,046 21
" " " " " Tavern, 1,762 31
" " " " " Potter, 22 17
" " " " " Cooper, 21 00
" " " " " Mill, 300 00

$13,508 29

Witness refers here to Interest and Dividend Book, R, 1, from which interest and dividends for the year 1845 are taken, amounting, in the aggregate, to the sum of 1,049 09

Aggregate amount of receipts for 1845, $32,431 35
" " expenses " " 11,462 23

$21,969 12

(Witness here makes the following explanation: As I observed before, the Society account furnished to Mr. Rapp annually embraced only the expenses and real earnings of that current year;

therefore the item of sales of woollens appearing in the sales referred to, of $6,515$\frac{54}{100}$, are not the product of that year. Neither is the article of whiskey, amounting to $2,189$\frac{10}{100}$, the product of that year. As the quantity of whiskey made in 1845, as shown by the Mechanic Book, page 287, only amounts to 481\frac{40}{013}$, neither is the item of wool, $4,095$\frac{38}{100}$, the product of that year. But the above sums would, at the close of the year, appear in the sales; and that portion sold for cash would appear as cash, and that portion sold on time would be found among the claims outstanding either in the shape of a book account or of bills receivable.)

605. Question. Please to refer to your book and state the expenses of the Society for the year 1844, in the same manner as in the annual account of that year, to the best of your recollection.

Witness here refers to Invoice Book, marked R 5, and finds the gross amount of purchases for the store and Society for that year, from page 458 to 484, amounting, in the aggregate, to $14,037 95

That portion of the above amount, for the use of the Society, when added together, amounts to the sum of $9,930 38

For the different trades, are as follows:

Mechanic Book, R 6, beginning at page 243—

Blacksmith,			100 33
Cotton,	42 65		
Cotton,	1,776 60		
			1,819 25
Cooper,	page 241,		75
Doctor,	" 281,		149 99
Distillery,	" 287,		456 40
Dyer,	" 297,		821 55
Hatter,	" 265,		46 94
Joiner,	" 250,		1 86
Mill,	" 169,		25
Shoemaker,	" 65,		165 24
Silk Factory,	" 305,		24 11
Tanner,	" 309,		1,051 06
Turner,	" 162,		70
Tavern,	" 313,		591 04
Woollen Factory,	" 284,		88 79
Wagon Maker,	" 300,		48 78

Witness produces Coal Book, marked R 7:

15,231 bushels coal, bought at $4\frac{3}{4}$ cents per bushel, . 723 97

Witness refers to Produce Book, R 8:

Sundry items, amounting to 1,003 93

Witness refers again to Mechanic Book, R 6:

Leather,	page 311,	222 77
Hats,	" 261,	25 00

I have no means of ascertaining the amount of cotton

and woollen yarn on hand, but estimate, from the statement made in 1848, which is, ...	192 50
Witness produces Family Store Book, R 9:	
Exhibiting family accounts, amounting to . . .	169 63
Taxes for 1844, ...	802 99
Freight estimated, ...	100 00
Newspapers and postages, estimated at . . .	50 00
	$18,608 21

Friday, August 27th, 1852.

606. Question. Please state the receipts of the Society for the year 1844, in the same manner as they were made out in the annual statement of that year, as near as you can recollect.

Witness here refers to general Sales Book, R 10, and finds sales as follows:

Woollens, . .	$4,427 10	Am't bro't up, .	$12,393 20
Cotton yarn, .	3,835 23	Wine, . .	100 37
Machinery, .	2,415 00	Oil, . .	565 70
Whiskey, . .	1,557 87	Gain on Wool,	423 30
Cider, . .	158 00	Sundries, .	810 88
	$12,393 20		$14,293 45

Witness refers to Mechanic Book, R 6—Receipts as follows:

Blacksmith, . . page 246, . . .	213 00
Cotton Factory Sales' Book, ...	3,835 20
Cooper, Mechanic Book, page 242, . . .	12 50
Doctor's Museum, . " 279, . . .	146 85
Distillery, . . . " 287, . . .	1,058 60
Dyer, ... " 299, . . .	16 88
Hatter, . . . " 261, . . .	384 55
Mill, ... " 170, . . .	264 60
Potter, . . . " 168, . . .	19 40
Society, . . . " 296, . . .	1,156 21
Shoemaker, . . " 60, . . .	403 00
Silk Factory, . . " 307, . . .	821 45
Tanner, . . . " 311, . . .	2,022 31
Turner, . . . " 164, . . .	26 60
Tavern, . . . " 315, . . .	1,835 33
Wagonmaker, . . " 301, . . .	260 00
Witness refers to same book, R 6:	
Liquors, purchased for the tavern, ...	372 98
School teachers' service, ...	94 62
Witness refers to Produce Book, R 8:	
Pork on hand, ...	246 95
Pasture-money from drovers, ...	137 03

Witness refers to Interest and Dividend Book, R 1:

Interest and dividends for the year 1844, . . .	893 97
Aggregate amount of receipts for 1844, . . .	$28,515 34
Aggregate am't of expenditures for 1844, . .	18,608 21
	$9,907 13

607. Question. Please state, whether the account stated by you for the years 1844 and 1845, exhibit all the receipts for those respective years.

Answer. They do not.

608. Question. Please say what is wanted in each.

Answer. It would not include the cash receipts for bills receivable, and other debts paid.

609. Question. Is anything else omitted than the cash received for bills receivable and debts paid?

Answer. I do not recollect of anything else.

610. Question. Please produce all the books in your possession, relating to the affairs and business of the Society, prior to the 16th of June, 1846.

The witness produces the books contained in the schedule annexed.

Butler—(Day Book commences with No. 2.)

B	No. 2, (papers) Day Book,	Dec. 1804, April, 1806.
"	3, " "	April, 1806, Dec. 1806.
"	4, " "	Jan. 1807, Sept. 1807.
"	1, " Invoice book,	Nov. 1804, June, 1806.
"	2, bound, "	July, 1806, Dec. 1811.
"	3, " "	Mar. 1812, Jan. 1813.
"	1, (papers), Mec. book from	1808, Dec. 1810.
"	2, bound, "	1811, Dec. 1812.
"	3, " "	1813, to Wabash.
"	1, (papers), Prod. book, from Jan.	1811, to Jan. 1815.
"	1, " Family book, "	1805, to Dec. 1807.
"	*2, " " from	1811, to Wabash.

WABASH BOOKS.

W	No. 1, Day book, from	Nov. 1814, to 1817.
"	2, Day book & Prod. "	July, 1807, to Sept. 1818.
"	3, Day book, "	Sept. 1818, to June, 1819.
"	4, Day book & Prod. "	June, 1819, to Sept. 1821.
"	5, Day book, "	Sept. 1821, to April, 1823.
"	6, Day book, "	April, 1823, to June, 1826.
"	1, Petty Ledger, "	1817 to 1819.
"	1, Invoice book, "	1813 to 1818.
"	2, " " "	1818 to 1824.
"	3, Petty invoice, "	1815
"	1, Family Mechanic book, from	1814 to 1819.
"	2, " " " "	1819 to 1824.
"	1, Bank book (Vincennes Bank).	

ECONOMY BOOKS.

E	1, (Qto. paper),	Day bk. & Pro.	Aug. 1824 to July, 1825.
"	2,	Day book,	June, 1826 to Sept. 1831.
"	3,	Day book,	Sept. 1831 to Dec. 1839.
"	R 4,	Day book,	Dec. 1839 to 1852.
	Grand Ledger.		from 1811 to 1852.
"	R 3, Petty Ledger,		April, 1831 to 1852.
"	1, Produce book,		June, 1826 to Nov. 1831.
"	2, Produce book,		Nov. 1831 to Aug. 1841.
"	2, Produce book, R 8,		Aug. 1841 to Dec. 1846.
"	1, Invoice book,		Aug. 1824 to Apr. 1828.
"	2, Invoice book,		Mar. 1828 to June 1832.

ECONOMY BOOKS.

E	R, 5, Invoice book,	from	July, 1832 to Dec. 1846.
"	1, Sales book,		July, 1823 to Apr. 1827.
"	2, Sales book,		June, 1827 to Oct. 1830.
"	3, Sales book,		Oct. 1830 to Dec. 1843.
"	R 10, Sales book,		Jan. 1844 to 1852.
"	1, Family book,		Jan. 1827 to Dec. 1832.
"	2, Family book, R. 9,		1833 to 1852.
"	Mechanic book, R 6,		1826 to 1852.
"	3, Commission book,		1827 to 1852.
"	9, Blotter.		
	Factory book (R 12).		
"	5, Bills receivable.		
"	6, Bills receivable.		
	Bill receivable, R 1.		
	Wool books of 1826, '27, '28, '29, '30, '31, '33, '36, '37, '52.		
E	7, (paper) Cash book,		Mar. 1824 to 1827.
"	8 Cash book,		Jan. 1828 to 1848.
	Five Stone Coal books—Quarto paper.		
"	9, Memorandum book.		
"	10, Memorandum book.		
	Bank books, A, B. C.		

611. Question. Please say whether there are any other books in existence, kept for the Society, in relation to business, by any of its members or agents, other than those you have produced, and where they are?

Answer. I do not know of any, except books or memorandums kept by some of the foremen of the mechanic shops, for their own convenience, and from which, at the close of the year, they make statements of the year's business, which statements are compared with their accounts in the Mechanic book kept in the store.

612. Question. Please state where these are, referred to in your preceding answer?

Answer. I believe them to be in possession of said foremen.

613. Question. Have you never had some of them in your possession?

Answer. Some of them have been in my possession at the close of the year or years, and after comparing them with the Mechanic book, they were returned to the foreman, for the use of the shop, and by him kept. I have no knowledge of having any of them in my possession.

614. Question. Please state whether you have never had in your possession, and have not now in your possession, other Bank books than those produced here, and prior to the 16th day of June, 1846?

Answer. I think I had in my possession, and I have been searching diligently for more, and have not been able to find but two more, and it is my intention to make further search, and produce what I may find.

615. Question. How many more than those produced, do you think you had in your possession, and with what Banks?

Answer. I cannot answer as to number, because prior to the death of Frederick Rapp, they were kept by him exclusively. To the best of my knowledge, there ought to be some more from the Bank of the United States, at Philadelphia, and I think from the Bank of Pittsburgh. I do not recollect of any others.

616. Question. What are the two Bank books you have found, and have not produced?

Answer. My impression is, they are both from the Bank of the United States, at Philadelphia.

617. Question. When and where did you search for the Bank books which you say you found, and have not produced, and where did you find them?

(Defendants' counsel objects that the witness has already stated that he has made diligent search for Bank books, and that he intends to make furthur search, and produce all he can find—and having stated this, the defendants' counsel submits that he is not bound to make further answer until opportunity shall have been given him to make the search which he has mentioned, and produce whatever books he may find—and because it is immaterial when and where he found them.)

(The Master decides the question as proper, and defendants' counsel excepts to that decision.)

Answer. I am not prepared to answer now.

618. Question. Please to state whether you did not at any time have in your possession a Bank book containing an account with the Branch of the United States Bank at Pittsburgh.

Answer. From the fact that Frederick Rapp, in his lifetime, and also during the existence of the Branch of the United States Bank, at Pittsburgh, George Rapp, after the death of Frederick Rapp, kept an account, then there ought to be one or two Bank books somewhere at Economy, but they are not in my possession. If, upon a further search, I find them, I will produce them. I forgot to state

in a previous answer, that I should have named the U. S. Branch at Pittsburgh, also.

619. Question. Please to look at the book produced by you, marked sales book, No. 3, E, on page 639, and say by whom the statement of sales appearing on that page, is made out.

Answer. It is in my handwriting.

620. Question. Look and see if the two next leaves of paper in that book do not appear to have been cut out, so as to extract from it pages that had been numbered 641, 642, 643 and 644.

Answer. I discover two leaves have been cut out, embracing pages 641, 642, 643 and 644. I have no knowledge when they were cut out, nor by whom—nor do I believe there was anything written on them; and from page 638, it fully appears that on that page the sales for the year 1843 ended, and the page is finished by the addition of all the sales of that year, amounting to $16,046 94 cts. And further, on page 639, stand enumerated in plain figures, the sales and purchases of the Harmony Society, from the year 1830, to the 31st of Dec., 1843, which, I am satisfied, is the end of the book, particularly as page 640 is still in blank and not written on.

621. Question. Please look at family book, B, No. 2, at page marked A, and say what is the heading of that account, in English.

Answer. It is, "Society account total."

622. Question. Please say how many leaves immediately preceding that account have been cut out, and whether, in your opinion, they have been recently cut or not.

Answer. Four leaves have been cut out, and my opinion is, they are old cuts. These old books from Butler County, 41 years old, were packed away in a box, and to my recollection, not opened nor examined for years, until I was required a few days since to produce all the books, and on that occasion I unpacked the box, and packed the books into a trunk which stands now in the Master's office; and to the best of my recollection, I did not look at that book more than to ascertain its character, and packed it; and I have no knowledge of who cut the leaves, or when they were cut.

623. Question. Please look at the close of the Society, B, in the same book, and say how many leaves are cut out there between that account and the manufacturing account.

Answer. Eight leaves. I do not know who cut out any of them, nor any other leaves in this book, nor when—nor do I believe there was anything written on them—nor is the book in pages; and I do believe that the pages or leaves were cut out from no other motive than to use as blank paper. Society kept the book for its own use, and was not in fact considered as a partnership concern. I never had any idea that ever these old books would be called for in any shape or manner.

624. Question. Please say where the box was kept, in which you say these books were kept, and in whose possession.

Answer. These Butler County books were conveyed to the Wabash in 1815, and the Society remained there till 1825: where those books were kept, and how they were stowed away during these ten years, from 1815 to 1825, I do not know or remember. To the best of my recollection, they lay in a pile up stairs, where all the storekeepers for the time being, old and young, had access to them. Since 1825, a period of 27 years, they were at the store in Economy, in the upper story, packed away, as stated, but open, as before stated, to the storekeepers, old and young.

August 19th, 1853.

Examination of Romelius L. Baker, resumed.

625. Question. What quantity of land in Butler County was owned by the Society? When and from whom was it purchased, and at what price?

Answer. When we sold in 1815, the quantity was said to be about 6000 acres. The greater part of it was purchased in 1804, from Doctor Basse, as I understood, at $3 per acre. At later periods, other lands were purchased from other individuals, but I am not able to give time, quantity, or price.

626. Question. When was the land in Butler County sold, and to whom, and at what price?

Answer. In the spring of 1815. The Society sold to Stone & Purviance, for $100,000, payable in ten yearly instalments of $10,000 each, with interest. Shortly after, Stone & Purviance sold to Stephenson, Patterson & Foster; (I am not certain as to the latter); and they afterwards sold to Abraham Zigler, and he become responsible to the Society for the payments agreed on by the purchasers from the Harmony Society.

627. Question. What quantity of land was owned by the Society in the State of Indiana, and in what counties was it situated?

Answer. About 30,000 acres, situated in Poesey, Gibson, and Washington Counties, in the State of Indiana, and in White Co., in Illinois.

628. Question. From whom, when, and at what price were said lands purchased?

Answer. The greater part were purchased from government, at $2 per acre, and a portion at 1\frac{75}{100}$, after the price of government lands were reduced from 1814 to 1820. Other tracts were purchased from a number of individuals, prices ranging from $3 to $10 per acre, to the best of my recollection.

629. Question. When was the real estate of the Society in Indiana and Illinois sold, and to whom, and at what price?

Answer. There were two sales of land. The first to Robert Owen, comprising about 20,000 acres, including the town, mills, &c., at $100,000, in the spring of 1825. Five per cent. commission was paid to Richard Flowers, an Englishman, who went to England, and

found the purchaser, Robert Owen. The second sale was made to William M'Clure, of the balance of the land, for $11,000. I think in the spring of 1827.

630. Question. What real estate had the Society at any time owned in Beaver County? When was it purchased, from whom, and at what price?

Answer. Something over 3000 acres; purchased mostly in 1824, from James Blain, 650, at $20 per acre;

" James Hazlett, from 300 to 400 acres, at $10 per acre;

" William Bryan, 100 acres, at $24 per acre;

" Wm. Scott, from 5 to 10 acres, at $500;

" M'Kee's estate, to the best of my recollection, about 200 acres, at $10 per acre;

" James Musgrave, about 200 acres, at $10 per acre;

" Bank of the United States, about 400 acres, at $5 per acre;

In 1825, another purchase from Captain Vickery, from 700 to 800 acres, at the round sum of $13,000; and in 1833, one tract from Ephraim Blain, about 280 acres, for the round sum of $3500.

I have no recollection of any other lands. In 1822, to the best of my recollection, the Society's agent (Mr. David Shields), foreclosed a mortgage, held by the Society against Frances Hilvady, for the Philipsburgh tract, and bought it in for the Society at Sheriff's sale. Shields, the agent, afterwards sold it to Philips & Graham for $2,400, as I understood. The sale took place in 1823 or 1824. The Vickery land was in Allegheny County, except 60 or 70 acres. All was included in the $1300 purchase before spoken of.

631. Question. Has any real estate of the Society in Beaver County, been sold? If yea, state when, how much, to whom, and at what price.

Answer. I have mentioned already the sale to Phillips & Graham. A sale of about 100 acres was made to Hemmerly, at $8 per acre, in 1840 or 1842; I do not recollect exactly. No other in Beaver County, that I recollect of, or remember.

632. Question. What real estate has the Society owned in Allegheny County? When was it purchased, from whom, and at what price?

Answer. The Vickery tract mentioned before, and a house and lot in the City of Pittsburgh. In 1825, the house and lot in Pittsburgh was purchased from John Irwin, on Market Street, for $6,000. A brick warehouse was erected on it by our Society, at a cost of $2,000, or thereabouts. The late Abisha Way was our tenant, until it was sold for $8,000 to Benjamin Darlington, as I now recollect. I cannot state the exact time, but it was prior to 1834.

633. Question. Has any of the real estate of the Society in Allegheny County been sold? If yea, state when, to whom, and at what price, besides the house and lot in Pittsburgh, spoken of above.

Answer. About the year 1840 or 1842, there was a sale to P. Suring, of 102 acres, at $10 per acre; and a year or two afterwards, a sale to Mr. Wild, of about 32 acres, at $10 per acre. The latter had a house on it, and was nearly all cleared. The first was woodland (the 102 acres). I do not remember any other sales prior to 1846.

634. Question. Has the Society at any time owned or had any interest in any real estate other than what you have just spoken of or specified? If yea, state from whom, and at what price it was acquired, and whether it has been disposed of.

Answer. The Society bought a house and lot in Zelienople, in Butler County, from Stephen Stone, perhaps as early as 1810. I do not distinctly recollect. It was sold, I think, in 1836, to Mr. Viel and Mrs. Zigler, for about $500. We owned a place called Beaver Point, now in possession of the Stones. It was bought about the year 1812, and sold to Stephen Stone in 1815. I have no recollection of its cost, but heard it stated that it sold for $4,000. I do not recollect any other.

Adjourned to meet at 3 o'clock P. M.

Friday Afternoon, 3 o'clock.

Met; parties present. Examination of Mr. Baker continued.

635. Question. Was there any inventory, statement, or account made out of the property, moneys, credits, or effects of the Society, when it left Butler County?

Answer. I have never seen or heard of any. Our position having been as the position of one family—father and children—all that we possessed belonged to the Society, under the belief that it was right, in accordance to the Acts of the Apostles, 2d and 4th chapters, where no one spoke of property as belonging to him, but had all things in common, and each member received what he needed.

636. Question. Was there any inventory, statement, or account taken or made out of the property, moneys, credits, or effects belonging to the Society, when you left Indiana?

Answer. I have never seen any, nor heard of any.

637. Question. Was there any inventory, statement, or account taken or made out of the property, moneys, credits, or effects belonging to the Society, at the time of the secession called the Count Leon secession?

Answer. I do not remember any, nor have I seen any. Our social relations having been tested and found to answer the intended purpose of the original association, and the mutual confidence strengthened by the practice of many years, we were, as I stated before, as one united family; and I never heard, from the commencement of the Society to the present day, from any sound member or members, any call, desire or requisition, for any inventory or account at any

time; and as for the desire of backsliders or rebels, we paid no attention.

638. Question. Was there any inventory, statement, or account made out of the property, moneys, credits, or effects of the Society when Frederick Rapp died?

Answer. I do not know of any general inventory. I think I have stated, on a former examination, that, as sub-agents under George Rapp, Mr. Henrici and myself made a memorandum of the outstandings, when we found, as I stated before, from $15,000 to $20,000 hard money on hand.

639. Question. Was there any inventory, statement, or account made out of the property, moneys, credits, or effects belonging to the Society, at the death of George Rapp?

Answer. No, sir, there was none made out, to my own surprise. I was agreeably disappointed in that particular; that, after the long life of Mr. George Rapp, the founder of the Society, the confidence and unity of the Harmony Society should be such that not one voice was heard from any part of the community, for an inventory, account, or reckoning. All the members seemed to be, and showed the utmost care and desire for the duration of the unity and friendship of all the members; also, to confirm the words of Paul, as those who possessed goods as though they possessed them not.

640. Question. State the number of members constituting the Society, specifying the number of adult males and females, and minor males and females, giving their several occupations or employments in the Society, at the following periods, to wit: June 1st, 1820, 1825, 1830, 1835, 1840, 1845, 1850, and 1853?

(The foregoing question excepted to by defendants' counsel, as irrelevant and not embraced in the scope of the inquiry denoted by the decree of the Court; and that, if obtained, it would throw no light on the subject of inquiry before the Master, there being already before him more direct evidence on the point, and because the witness has no means to enable him to answer the question correctly.)

Answer. I have not the means to furnish the information desired, before 1846, and decline to answer after that date, the time limited by the decree of the Court.

641. Question. State what number of members seceded with Count Leon, specifying adults and minors, males and females?

Answer. To the best of my recollection there were 250 persons, young and old. I cannot tell, without further examination, as to their ages or sex; but will furnish it, if I can, as soon as convenient, to the Master.

642. Question. What sum of money was paid to the seceders, and at what time were the payments made?

Answer. $105,000; one-third in hand at the signing of the compromise, one-third in six months, and one-third in 12 months. The

hand payment was paid at the time; the second, or 6 months' payment, was paid at maturity; the last payment was not paid at maturity, as the seceding party had failed to furnish the Harmony Society with six separate releases of persons absent on the 6th of March, 1832, the day upon which the compromise was executed, and by which compromise they had agreed to furnish said releases. The money was paid, as near as I recollect, within eight or fourteen days after maturity.

643. Question. At what places did the Society have stores, and carry on the business of selling goods, wares, merchandise, and produce? When was each store established, under whose charge, and when was its business closed?

Answer. At Shawneetown, Illinois; kept by John Caldwell, commencing at the end of 1823, or the beginning of 1824, and closed in the month of May, 1828. Also, one at Vincennes, in Indiana, kept by John D. Hay. I think it was commenced in 1824 and closed in 1832 or 1833; the account on the Ledger will more fully show. These were outside the Society. Independent of these, we had stores at Harmony, in Butler County, at Harmony, in the State of Indiana, and one at Economy, in Beaver County. As to these stores, I have given a full reply in my answer to interrogatory 34, on my former examination.

644. Question. In whose possession, management, and charge did the property, moneys, credits, and effects of the Society pass, at the death of Frederick Rapp, and how long did they continue in such possession, management, and charge, after such possession?

Answer. After the death of Frederick Rapp, in June, 1834, his declaration of trust was reported to the Society, and placed on record at Beaver, and is the same which appears attached to the answer in the case, being dated July 20, 1825. Then the Society substituted and appointed George Rapp, by a power of Attorney, superintendent and general agent, substituting Jacob Henrici and myself sub-agents under him, and then the property of the Society went into the hands of George Rapp and the sub-agents, and continued so till the death of George Rapp.

645. Question. Into whose possession and charge did the property, money, credits and effects of the Society pass, at the death of George Rapp?

Answer. Into the hands of the present trustees, Jacob Henrici and myself, and have continued so ever since.

646. Question. In your examination in chief, in printed page No. 2, you state in June, 1846, you had in cash, $510,000. Please state where that cash is; in whose immediate custody it is; when and how it came into their custody; and for what purpose or object; and whether it was in coin or paper, and what kind of coin.

(The defendants' counsel excepts to so much of the foregoing question as relates to the place where the cash is, because the same

is irrelevant to the subject referred to the Master for inquiry, and because the present condition and affairs of the Society, the amount and location of its funds, are subjects not referred to the Master for inquiry, and subjects in which the complainant has no interest, and no right to an answer. For similar reasons they except to that part of the interrogatory which asks "in whose immediate custody the cash is; when and how it came into that custody; and for what purpose and object;" and to the remainder of the question for similar reasons.)

(Complainant's counsel withdraws his exceptions, and the witness answers as follows:)

Answer. I know no more than I stated in my examination last year, in relation to the locality of the coin, its amount, kind, and custody. When General Jackson vetoed the United States Bank Charter, in 1833 or 1834, it created a panic in the money market, and this affected the mercantile community, particularly the wool dealers. We lost by one firm in Philadelphia, upwards of $10,000. That, and from various causes, there was some serious apprehensions of the stability of the Republican Government. When John Quincy Adams himself, on the floor of Congress, uttered his apprehensions that the Spartan sponge would be applied—and was partially applied afterwards, by the suspension of specie payments by the banks all over the land, and the effects of the bankrupt law, by which the Society suffered heavy losses—Mr. George Rapp, as a father of his family (after the veto of the bank charter) not to be depending on uncertainties, and on the fluctuations of business and business men, and at his advanced time of life, desired, as I understood him to say, the Society should not be destitute at his death, and according to the old German habit of having some hard money in the purse, he directed the gathering of specie, as I have often before mentioned in my testimony, stating that if the removal of the Society to another place should become necessary or expedient, that funds would be ready for that purpose; and as a party of the former seceders, in the spring of 1846, made a demand on the Society after the Society had settled with them; and this complainant, with others, in June, 1846, holding a meeting at the limekilm, with Jacob Wagoner and George Fronk and others, the two persons named having, in 1833, been very conspicuous in the actions of the mob of 70 or 80 men breaking into the tavern at Economy, and committing other depredations, breaking gates and committing assaults and batteries on peaceable people. On these occasions Mr. Rapp directed, as Mr. Henrici informed me, to have the balance of the money not stowed away at that time, to be put with the rest in a secure place.

Adjourned to meet to-morrow morning, at 9 o'clock.

Saturday Morning, Aug. 6, 1853, 9 o'clock.

Met in pursuance of adjournment; parties present. Examination of Mr. Baker continued.

Answer. In my former testimony I stated, that in addition to the sum of $510,000 in specie, the Society had deposits in the Merchants and Manufacturers' Bank of Pittsburgh, Bank of Pittsburgh, and with Sibbet and Jones, of Pittsburgh, the sum of $6,877$\frac{24}{100}$. Since that time, by examining old books, I discover that on the 2d day of June, 1846, I had drawn from the Bank of Pittsburgh $5,000, and I desire to add to the $5,000 drawn from the Bank as above, about $800 cash, supposed to be in the hands of the storekeeper, tavern-keeper, and mechanics' shops, &c. on the 16th day of June, 1846; the return before made only bringing the cash account up to the 1st of June, 1846. From the sum of $5,800, I would deduct the sum of $2,087$\frac{75}{100}$, paid for wool between the 3d and 16th of June, 1846, leaving a balance of $3,712$\frac{25}{100}$ to be added to the forementioned cash and deposits, making the deposits in Banks, with Brokers, and on hand at Economy, $10,589$\frac{49}{100}$.

647. Question. At what period or periods was the said coin, to wit, the $510,000, accumulated, specifying the amount accumulated each year?

Answer. Since my last examination, I have searched and found some additional bank books, and will now state the result. I did not think, at the time of my former examination, of the bank books since found, as means of enabling me to make the statement which follows. My examination at that time was from memory only. From an examination of those books, I believe the following to be correct:

1834, Nov. 20,	from Branch of U. S. at Pittsburgh,	$14,000 00
1835, Jan. 10,	" " " " "	26,000 00
1835, Nov. 21,	" " " " "	19,026 00
1835, Sept. 4,	" B'k of Pittsburgh, "	10,000 00
1841, Aug. 2,	" " " "	18,000 00
1843, May 20,	" " " "	35,036 00
1843, Aug. 23,	" " " "	22,156 00
1845, June 27,	" " " "	25,000 00
1838, Oct.	" U. S. B'k at Philadelphia,	110,000 00
1840, April	" Philadelphia, " "	85,738 00
1841, May	" " " "	50,759 00
1842, April	" " " "	25,426 00
1844,	" Louisville, Kentucky,	1,500 00
Specie on hand June, 1834, at Fred'k Rapp's death,		20,000 00
Aggregate, ...		462,461 00

The residue to make the sum of $510,000 was, to the best of my recollection and knowledge and belief, taken in at Economy, in small sums, between the years 1834 and 1846.

648. Question. From what sources or products of the Society was said amount of coin obtained.

Answer. As I have frequently stated on my former examination,

principally from the sales of wool, cotton and woollen goods; some from the products of the farm, wool, grain and cattle.

649. Question. When did you count said amount of coin—I mean the $510,000—and when did you last see the whole or any part thereof?

Answer. I cannot say any more on that subject than I did say on my examination one year ago, as a great number of questions were put to me then, in various shapes and forms, which I answered conscientiously, to the best of my recollection and belief.

650. Question. Is there any entry in the books or papers of the Society in regard to the said amount of coin, or in any book or paper in your possession? If yea, produce them.

Answer. I do not know of any, as I have before often stated.

651. Question. What sales or purchases of real estate have been made for or on behalf of the Society since June, 1846?

Answer. As near as I can recollect, 50 acres were sold to John Ghent, at $10 per acre; 50 to James M'Pherson, at $10 per acre; I think in 1849, John and Peter Greese, about 50 acres of partly cleared land, with a house and barn (frame), at $20 per acre; a lot of about 54 acres, about one-half of it cleared, to John Guyer, for $1,200; in 1851, about 25 acres to Philip Greese, at $25 per acre; also, in 1851, 50 acres to John Gray, at $10 per acre; also, in 1851, to William C. Dunn, 350 acres, at $50 per acre. These sales were in Beaver and Allegheny Counties. We purchased at Sheriff's sale in Beaver County, as the property of Captain John McDonald, about 90 acres for $2,700. This same tract was sold a few months after the purchase to Rachel, the wife of John McDonald, for the same price. In the fall of 1851, we purchased at Sheriff's sale in Beaver Co., as the property of S. P. Adams, a water mill and some out lots $3,200, and sold immediately after to Archibald Robertson, of Brighton, at $4,500; also, at the same time, as the property of the said Adams, three unimproved lots in Bridgewater, at $75 each, which remain unsold. We further purchased, at the same time, a place as the property of John Dickey, 115 acres of land on Brady's Run, together with three lots in Sharon for about $2,200, as near as I can recollect, being the Dickey property we sold lately to Mr. Gould at $3,500, and that is all I recollect of.

652. Question. What loans of money belonging to the Society have been made since June, 1846?

(Defendants' counsel excepts to the foregoing interrogatory on the ground of irrelevancy, and as not coming within the time specified in the decree of the Court.)

(Exception sustained by the Master. The complainant's counsel excepts to said decision.)

653. Question. What purchases or sales, or investments in stocks, for, or on account of the Society, have been made since June, 1846?

(Excepted to by defendants, for the reasons assigned in the pre-

ceding interrogatory. Decided by the Master in the same way, and excepted to by plaintiff's counsel, as before stated.)

654. Question. What purchases or investments in rail road stocks, or other securities, were made for or on account of the Society, since June, 1846, to the present time? State the purchases and investments of each year separately.

(Excepted to as before. Decreed by the Master in the same way, and excepted to by complainant's counsel, as before.)

655. Question. What amount of cash has the Society now on hands, or invested in loans, stocks, or other securities?

(Excepted to as before stated. Decided in the same way by the Master, and exception to said decision by complainant's counsel.)

(The counsel for the complainant considering that they have, for the purpose of taking this account, a right to make inquiries respecting the affairs of the Society since June, 1846, in order to arrive at its condition at that time, and deeming it important to have the foregoing interrogatories answered, except to the decision of the Master; and they will apply to the Court at the ensuing term for further instructions to the Master on this point, and in the meantime reserve the right to examine the witness further, after such instructions can be had.)

Monday Morning, August 1, 1853.

In pursuance to notice, in writing, given to the parties, I attended, at my office, in the City of Pittsburgh, at 10 o'clock, A. M., and, at the request of the parties, adjourned to meet on Wednesday, the 3d instant, at the same place, at 10 o'clock A. M. of said day.

Wednesday Morning, August 3, 1853.

In pursuance of the above adjournment, I attended at my office, and, at the request of the parties, adjourned till 2 o'clock P. M.

August 3, 1853, 2 o'clock P. M.

Met; and, the parties being in attendance (Th. Umbstaetter, Esq., for complainant, and Messrs. Loomis and M'Candless for defendants), I proceeded to the examination of the following witnesses:

Jacob Strohaller, sworn. 1. Question. State your age, occupation, and place of residence.

Answer. I am fifty-nine years of age. I live in Phillipsburg, Beaver County.

2. Question. Were you a member of the Economy Society? and if so, how long?

Answer. Yes, sir; I was a member of that Society about 27 years.

3. Question. When did you become a member, and when did you leave the Society?

Answer. I became a member in 1805; I left in 1832. I was only a boy in 1805.

4. Question. Were you acquainted with the complainant, Joshua Nachtrieb, while you continued a member of said Society?

Answer. Yes, sir.

5. Question. What was his occupation and employment, while you knew him as a member of the Society?

Answer. At first he learned the tanner trade; then, when he was about sixteen years old, he got a span of horses, and became a teamster. He was a teamster about twelve years; then he learned the hatter trade, and followed that business about eighteen years.

6. Question. What, in your opinion, would be a just and fair compensation, per annum, for the labor and services of the complainant during the time he drove a team, as you have stated?

(Respondents' counsel object to any inquiry beyond the dates mentioned in the decree of the Court.)

Answer. I think a dollar a day would be little enough for driving team.

7. Question. State what, in your opinion, would be a fair compensation for the services of the complainant while engaged in the hatting business.

Answer. I am not acquainted with that business, only what I have heard from others.

(Respondents' counsel object, on the ground that the witness is not competent to testify as to the skill of the complainant in his trade as a hatter, nor the proper compensation to which he would be entitled.)

Answer. I heard from one who was in the shop with complainant, and before as hatter, that he could earn as much again as a teamster.

(Defendants' counsel object to this hearsay evidence.)

8. Question. What, in your opinion, would have been fair compensation for complainant while in the hatting business?

Answer. From what I have heard, it would be worth two dollars per day.

9. Question. In what capacity was the complainant in the hatter shop?

Answer. The first two years he worked as a common hand, and afterwards he got in as boss.

10. Question. What, in your opinion, would be a fair valuation for the boarding and clothing which the complainant received from the Society per annum?

Answer. I suppose one dollar and fifty cents per week, would keep him in boarding and clothing.

11. Question. How long had the complainant been in the hatting business before you left the Society?

Answer about four years.

12. Question. What, in your opinion, was the valuation of the Economy lands in June, 1846, per acre, on an average?

Answer. As an average, I should think about thirty or thirty-five dollars per acre.

13. Question. In your estimate of the value of the lands of the Society, do you include the buildings and improvements thereon?

Answer. No, sir; the land itself, without any improvements.

Cross-Examined by Defendants' Counsel.

1. Question. Do you know the age of Joshua Nachtrieb, the complainant?

Answer. Yes, sir; he is fifty-five years of age.

2. Question. What was your employment in the Society, whilst complainant was a teamster?

Answer. I was a teamster myself.

3. Question. Where was he a teamster?

Answer. He was a teamster on the Wabash, and afterwards at Economy.

4. Question. How long had he been driving team in June, 1819?

Answer. About three years.

5. Question. How long did he continue to drive team afterwards?

Answer. About nine years.

6. Question. Did the Economy Society, during that nine years, hire any person to drive team for them?

Answer. Not as I remember.

7. Question. Do you know of their ever paying any wages to any member of the Society for that, or any other service?

Answer. I did not; I never seen any paid.

8. Question. Do you know any agreement by the Society, or any authorized agent of the Society, to pay the complainant wages for driving team, or any other service?

Answer. No, sir.

9. Question. What would you think a fair compensation per month for a man employed in farming during those nine years, the employer boarding and lodging him?

Answer. About fifteen or sixteen dollars per month.

10. Question. Do you know of any instance, during that period, in which more than ten or twelve dollars per month, the year round, was paid to a hand in farming, the employer boarding and lodging him?

Answer. Yes, sir; I have seen such men as worked for $12 per month.

11. Question. What kind of a team did complainant drive?

Answer. A two horse team.

12. Question. Did you ever work at the hatting business?

Answer. I never worked at that business; I am not a hatter.

13. Question. Do you, personally, know anything about the value of the complainant's services in cash, whilst he was engaged in the manufacture of hats at Economy?

Answer. I do not.

14. Question. Do you know when he commenced learning the trade of a hatter at Economy?

Answer. I think it was in 1827 or 1828.

15. Question. How long was he engaged in learning the trade?

Answer. I cannot say.

16. Question. Had he finished learning the hatter trade before you left?

Answer. Yes, sir.

17. Question. Have you known, personally, anything about his services for the Society since you left them in 1832?

Answer. No, sir.

18. Question. What was all his clothing worth per annum?

Answer. About $20.

19. Question. Do you include in that estimate, all his clothing, such as hats, shoes, &c.

Answer. Yes, sir.

20. Question. Have you resided at Economy at all, since you left in 1832?

Answer. No, sir.

21. Question. Did you leave with the Count Leon party, who left in 1832.

Answer. Yes, sir.

22. Question. How many persons left at that time?

Answer. I do not know exactly, over one hundred.

23. Question. Was there not as many as two hundred and fifty, who left at that time?

Answer. I think not.

24. Question. Were there not over two hundred persons who left at that time?

Answer. I believe not, I could not say.

25. Question. What consideration did those who left the Society at the time Count Leon went away, receive from the Society in discharge of their claims in it or against it?

(Complainant's counsel excepts to the foregoing and all other preceding questions relating to the secession of, or withdrawal of any number of persons connected with the Society in 1832, the same not being cross-examination, nor relative to the present inquiry, and the consideration which seceding members chose to receive, is in no way the measure of compensation or recovery which complainant is entitled to.)

Answer. One hundred and five thousand dollars.

26. Question. Did you and others, after you had been paid the $100,000, or the $105,000 above-mentioned, come back to Economy in a threatening manner, and attempt to force a second compromise and further compensation?

(The counsel for complainant excepts as before stated, adding,

that any effort on the part of the witness and others to procure additional allowance, if any such effort was made, is wholly irrelevant to the present inquiry.)

(To which the respondent's counsel replies, that the object of the testimony is to show prejudice and hostile feeling on the part of the witness, to the Society.)

Answer. No, sir.

JACOB STROAHAKER.

Philip Bentel sworn. 1. Question. State your age, occupation, and place of residence?

Answer. My age is forty-six; I am a storekeeper, and live in Freedom, Beaver County.

2. Question. State whether, at any time, you have been a member of the Harmony Society at Economy, and if so, when did you join and leave the same?

Answer. I was born in the Society, and remained there till I was twenty-five years of age. I left in 1832.

3. Question. In what capacity were you employed in said Society, and to what business did you devote your attention?

Answer. I was in the store from 1822 to the time I left—ten years. I was clerk and salesman.

4. Question. State whether that employment did or did not give you a pretty general knowledge of the business done in, and the trades and occupations carried on by the Society?

Answer. Yes, it did.

5. Question. Did you know the complainant in said Society, and how long?

Answer. I knew him from I can remember.

6. Question. At what age did complainant engage in the labors and active duties of the Society?

Answer. I think he done the labors of a man from the age of fifteen or sixteen.

7. Question. In what labor did complainant first engage, according to the best of your recollection?

Answer. In driving team, as I at present recollect.

8. Question. How long did he continue to drive team?

Answer. I think about twelve years.

9. Question. During those twelve years, was he constantly employed in driving team, or did he at times engage in other occupations?

Answer. I do not recollect of anything else that was his given employment.

10. Question. In what capacity was complainant next engaged after this twelve years?

Answer. In the hatting business. I mean the manufacture of hats.

11. Question. How long did he continue in the hat business?

Answer. He was four years at it when I left.

12. Question. In what capacity was he engaged in the manufacture of hats, during the years you speak of?

Answer. The last two years, he was foreman.

13. Question. How many persons were employed in that branch of business.

Answer. Four or five persons.

14. Question. Do you know in what capacity the complainant was employed after 1832, until 1846?

Answer. I have been up frequently, and always saw him about the hatter shop.

45. Question. In what manner did the complainant discharge his duties as a teamster, laborer, or whilst engaged in the manufacture of hats. Was he attentive and industrious, or otherwise?

Answer. He was always attentive and industrious, so far as I heard; he always attended to business diligently while I was there.

16. Question. Did he work as though he was working for himself, and promoting his own interest, or as a person hired for wages?

(Question excepted to by defendant's counsel, because the testimony would be incompetent and irrelevant.)

Answer. I think he worked as for his own interest, and not like a hired person.

17. Question. What, in your opinion would be a just and fair compensation per annum, for complainant's services, whilst he was driving team?

Answer. I would think three hundred dollars per annum, exclusive of boarding and clothing.

18. Question. What, in your opinion, would be a fair compensation for complainant's services, whilst engaged in the manufacture of hats, and superintending and bossing that business?

Answer. I think it would be worth from $450 to $475 per annum, he finding himself.

19. Question. What would be a fair allowance for boarding and clothing the complainant per annum, while you knew him?

Answer. I think from $65 to $75 would cover all, per annum.

20. Question. Did you observe any change in the mode of dressing, or general style of living, of the members of the Economy Society after you left there, and prior to 1846?

Answer. I think there is a small change for the better after I left in 1832. I mean they now use silks of their own make; it might amount to $5 or $10 per annum.

21. Question. What, in your opinion, would be the relative value of male and female labor in the Society?

Answer. I think female labor would be one-third of the male labor. The females labor more in the Society than they generally do in the country.

22. Question. Was the hatting business carried on for the purpose of traffic, or did, or did it not become a lucrative business?

Answer. It was carried on for traffic, and for the use of the members of the Society. They sold three-fourths more than they wore.

Cross-examined by Respondents' Counsel.

1. Question. How old were you when you first went into the store?

Answer. I was about fifteen years of age when I first went into the store at Harmony, in Indiana. I was about two months at the house carpenter business after I left school, before I went into the store, and had not followed any other labor before that time. I was kept very generally busy in the store after I came up to Beaver County. I worked a little in the carpenter shop, but was generally pretty busy in the store. I never followed driving team, nor was I ever engaged in teaming business, nor in the manufacture of hats. I never worked with complainant in any of those employments.

2. Question. Did you ever know of a farmer paying more than $12 per month to a man (besides boarding and lodging him), for driving team?

Answer. They do not generally pay more than that in the country, but the complainant did not labor as a hired man, he worked as for himself. And I do not think there could be any man got, who worked as complainant did, for less than $1 per day. I said he was worth a dollar a day, and I will stick to it.

3. Question. Did the complainant, whilst engaged in driving team, labor more hours in a day than hired men generally do, engaged in similar occupations?

Answer. I think he did. It was customary for teamsters at Economy to get up before day and have their teams ready, which is not generally done in the country.

4. Question. How many hours a day do you think the complainant worked generally, when driving team?

Answer. I think from fifteen to sixteen hours in summer, in the winter probably about ten hours.

5. Question. At what time did he commence in the morning?

Answer. In summer, about 5 o'clock.

6. Question. What time in the forenoon do they generally quit in summer?

Answer. They quit about 11 o'clock.

7. Question. What time do they commence in the afternoon?

Answer. About 1 o'clock.

8. Question. What time do they quit in the evening, in summer?

Answer. Sometimes between 7 and 8 o'clock.

9. Question. What time do they commence in winter?

Answer. About 7 o'clock, and stop about one and a half hours for dinner, and quit between 4 and 5 in the evening.

10. Question. Did you ever know persons paid more than $12 per month the year round, for driving team, the employer boarding and lodging them?

Answer. I think that is the average paid in the country.

11. Question. When did the complainant commence learning the hatting business?

Answer. In 1828; he was there two years, and the foreman left, and he took his place.

12. Question. Do you know, personally, anything about the value of his services in the hatter shop, after you left in 1832?

Answer. I do not.

13. Question. Do you know of the Society's paying wages to its members in hatting, or any other business?

Answer. They never did whilst I was there.

Re-examined by Complainant's Counsel.

1. Question. Do you fix the value of complainant's services at so much, as in your opinion they were worth to the Society, or as a laboring man would have received?

Answer. I value his services higher, on account of his being a member, and higher than a hired man. I estimate them at what I actually consider them worth to the Society.

PHILIP BENTEL.

Adjourned to meet at 9 o'clock, to-morrow morning.

Tuesday Morning, Aug. 4, 1853.

I attended at my office in pursuance of the adjournment. Parties being present. Mr. Umbstaetter for complainant, and Messrs. Loomis and M'Candless for defendants.

Jacob Scheaffer, sworn. 1. Question. State your age, occupation, and place of residence?

Answer. My age is fifty-two years. I am a farmer, and live in Philipsburg, Beaver county.

2. Question. State whether you ever were a member of the Harmony Society, at Economy and if so, how long did you continue in it?

Answer. I was a member, but cannot tell to a year how long. I was young when my mother brought me there. I believe it was between 1806 and 1807, and I left in 1832.

3. Question. In what business were you engaged, while you continued in the Society?

Answer. The most of the time I was in the factory business since I was a boy able to work (with the exception of harvest times). I was a manufacturer, weaving and dyeing, &c. Sometimes when the factory was not in operation, I went into the carpenter shop.

4. Question. Were you acquainted with the complainant while you were in the Society. And if so, in what business was he engaged?

Answer. I was acquainted with the complainant while he was there. He was first in the tanner shop, but I cannot tell how long; next at driving a team, and after that he changed to a hatter at Economy.

5. Question. How did complainant conduct himself in these different occupations? Was he industrious and diligent, or otherwise?

Answer. He was industrious. I never heard a complaint all the time.

6. Question. About how many years should you think that he was engaged in driving team, and how many years as a hatter?

Answer. I could not state the time exactly how long he was teamster, but believe he was hatter three or four years before I left?

7. Question. At what age, as near as you can tell, did he commence laboring?

Answer. I was too young to remember about him, but they generally put them to trades from twelve to sixteen or eighteen years of age. I remember his driving team. I remember his being in the tanner shop, but do not know his age.

8. Question. State whether or not, the complainant performed his various duties like a man that was working for himself and for the promotion of his own interest, or as a person hired for wages?

Answer. He worked like a man for his own interest, and not like a man hired for wages.

9. Question. How was the labor in the Society during the earlier years of its existence, as compared with a later period; say from 1819 to 1846?

Answer. The labor was hardest at the earlier period, when I commenced than when I quit, because it was easier to cultivate the cleared fields.

10. Question. What, in your opinion, would be a just compensation per annum, for complainant's services, before he went into the hat manufactory, and afterwards as a hatter?

Answer. I think $1 per day would be right, before he was a hatter, and as a hatter, such as he was, and as a foreman, he ought to be worth about $400 per year, he to find himself.

11. Question. What, in your opinion, would be a fair allowance for the boarding and clothing he received from the Society; say from the time he was twenty-one years of age, to 1832 (when you left) per annum?

Answer. I think from $70 to $75 per year.

12. Question. In estimating the complainant's services as hatter, do you take into consideration the fact that he was foreman and superintendent of that business?

Answer. I did take that into consideration.

Cross-examined by defendants' counsel.

1. Question. Did you ever follow the business of tanning?

Answer. Never.

2. Question. Have you any personal knowledge of the value of complainant's services as a tanner?

Answer. I have no personal knowledge. I only speak of what I heard from others.

3. Question. Did you ever follow the business of driving team?

Answer. I followed it about two or three days of my time in that Society.

4. Question. Do you know, personally, anything about the value of complainant's services to the Society when driving team?

Answer. Sometimes I was with him a day or two.

5. Question. Do you think you were with him on an average three days in a year, whilst he was driving team?

Answer. I was sometimes, when in the factory, some years not out at all—others, I was out during harvest, loading wagons, &c., and cannot say how many days.

6. Question. Do you think that during the time he was engaged in driving team, you were with him on an average more than three days in a year, and if so how many more?

Answer. It might average three days in a year.

7. Question. Except the times you were with him, do you know, personally, anything about the value of his services as a teamster, to the Society?

Answer. I know, when I was with him, he worked industriously, and heard no complaint at other times.

8. Question. What do you know, personally, about the value of his services to the Society, when you were not with him?

Answer. I know that he was always at the work.

9. Question. How do you know he was always at the work, when you were not with him?

Answer. I never heard he was sick, and it was the general rule, that, if he was not sick, he was at his place at the work.

10. Question. Have you any other means of knowledge, that he was always at the work, besides the fact that you never heard that he was sick, and the general rule, that, if he was not sick, he was at his place at the work?

Answer. I believe that is all.

11. Question. During the time he was engaged driving team, were the farmers in the neighborhood, in the habit of paying good hands more than from $10 to $12 per month the year round, besides boarding and lodging, for driving team?

Answer. I do not know; I was not acquainted with the custom of the country, while I was in the Society.

12. Question. Do you know, whether Nachtrieb labored harder,

or performed more service whilst he was driving team for the Society, than good hands engaged in similar services in the employ of farmers in the neighborhood?

Answer. I do think he worked harder at that time, while he was driving team for the Society, than I have seen farmers' hands do, since I left the Society; but whilst I was in the Society, I did not know how hands worked for the neighbors.

13. Question. How long have you been engaged in farming, since you left the Society?

Answer. In 1833 I commenced a little farming and carpenter work together, and have continued at that ever since.

14. Question. What portion of time have you devoted to farming?

Answer. I attend to farming three-fourths of my time; I have done so for the last three years. Before that, more of my time was in carpentering, and less in farming.

15. Question. Have you employed, since you have been engaged in farming, any men to drive team in your farming business?

Answer. I have no team.

16. Question. How much land have you generally cultivated?

Answer. About seventeen acres.

17. Question. Do you think you could afford to board, clothe, lodge, and provide washing for a man, for less than $100 a year; giving good substantial board and reasonable clothing?

Answer. My place is too little; I do not employ a man.

18. Question. Did you ever board, clothe, lodge, and provide washing for a man, for the period of a year, for compensation?

Answer. I never did.

19. Question. Do you know, from any information you possess yourself, what the reasonable clothing of a laboring man for a year would be worth?

Answer. I believe I never heard. I make my calculation myself from what I wear.

20. Question. What does your clothing cost a year?

Answer. Since I live for myself, I believe, my clothing costs from 25 to 35 dollars per year.

21. Question. What has been the costs of boots and shoes per year?

Answer. About seven dollars per year. I embrace costs of shoes, coats, and hats, and all wearing apparel, in my estimate of 35 dollars.

22. Question. Do you think, that boarding could be afforded for less than one dollar and a half per week, for a laboring man, at the time Nachtrieb was engaged driving team?

Answer. I expect he could get it far cheaper, when he was driving team for our Society.

23. Question. How much less?

Answer. I think he could be boarded there for about 35 or 40 dollars a year.

24. Question. Did you know anything about the value of clothing on the Wabash?

Answer. I did not; I think the expense was not as much as at Economy, because it was coarse in quality and not so good.

25. Question. Did you know anything about the price of clothing on the Wabash?

Answer. I could not say anything about the price.

26. Question. Did you know anything about the price of clothing whilst at Economy?

Answer. I do know, we wore cassinet, and know the price at that time.

27. Question. What was the price?

Answer. We wore cassinet at $1 per yard for Sunday wear, and linsey at 50 cents per yard for every-day wear.

28. Question. Was that the wholesale or retail price?

Answer. I cannot tell.

29. Question. How many times a day did they generally eat at Economy during the warm season?

Answer. Five times per day, two of which was lunch with a dram of beer; this in field only.

30. Question. Do you think the boarding, washing, lodging, and attendance upon Nachtrieb could have been afforded for less than seventy-five dollars per year?

Answer. I think it did not cost that; I think to include his clothing it cost about that.

31. Question. Were you engaged with the complainant any time in the hatting business?

Answer. Never.

32. Question. Do you know anything about the hatting business?

Answer. I don't know anything about the business myself. I never worked at it.

33. Question. Do you know how long it would require to learn the business, so that a man would be a competent boss?

Answer. I could not tell.

34. Question. Do you know anything about the profits of the hatter-shop at Economy?

Answer. I do not.

35. Question. Do you know anything, personally anything, about the complainant's services in the hatter-shop?

Answer. I do not. I mean to say, I never worked with him; I have seen him working there.

36. Question. Do you know of the Society paying wages at any time to its members for services?

Answer. I do not.

37. Question. Did you leave the Society with the Count Leon party when they went away?

Answer. Yes, sir.

Re-examined by Complainant's Counsel.

1. Question. While the complainant was driving a team, and you did not work with him, how often did you see him with his team, say in a week?

Answer. Many weeks I did not see him at all; I was in the factory. Other weeks I saw him off and on; and then again, I saw him in the evening without his team.

2. Question. Was it customary for each member of the Society to be engaged at some particular occupation, as a general thing?

Answer. Yes, it was; each man had his place, and knew where he had to go in the morning.

3. Question. While complainant was driving a team, was it or was it not understood in the Society, that that was his particular business?

Answer. Yes; that was so understood.

4. Question. When, afterwards, he went into the hat manufactory, was it or was it not understood in the Society, that that was his regular business?

Answer. Yes.

5. Question. You say it was a rule, that every man should work, unless he was sick, at his particular calling. State whether that rule was enforced or not.

Answer. It was enforced.

6. Question. Did the members work as many hours as a man hired for wages, or more?

Answer. They worked. We had our regular time in our factory to start and to stop, and others were ruled by their foreman. If the foreman wanted them to work, they worked, and if he wanted them to stop, they stopped.

7. Question. How many holidays were there in a year, in which work was suspended?

Answer. Christmas day, and another day, the anniversary of the foundation of the Society, and Harvest Home, and Good Friday, four days, and a few hours on the Fourth of July, sometimes.

8. Question. How was the clothing provided for the members?—Did each one get as much as he wanted, and had he a right to select it, or was it furnished according to general rules of the Society?

Answer. It was furnished according to the general rules of the Society; there was a man elected who had control of those things; if I wanted a piece I called on him, and he gave me an order, if he thought I needed it, and if not, he would not give it. The foreman of the different shops attended to giving out the article of their manufacture, and that is what I mean by the election spoken of above.

Answer. I think he could be boarded there for about 35 or 40 dollars a year.

24. Question. Did you know anything about the value of clothing on the Wabash?

Answer. I did not; I think the expense was not as much as at Economy, because it was coarse in quality and not so good.

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Answer. I could not tell.

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Answer. I do not.

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Answer. I do not. I mean to say, I never worked with him; I have seen him working there.

36. Question. Do you know of the Society paying wages at any time to its members for services?

Answer. I do not.

37. Question. Did you leave the Society with the Count Leon party when they went away?

Answer. Yes, sir.

Re-examined by Complainant's Counsel.

1. Question. While the complainant was driving a team, and you did not work with him, how often did you see him with his team, say in a week?

Answer. Many weeks I did not see him at all; I was in the factory. Other weeks I saw him off and on; and then again, I saw him in the evening without his team.

2. Question. Was it customary for each member of the Society to be engaged at some particular occupation, as a general thing?

Answer. Yes, it was; each man had his place, and knew where he had to go in the morning.

3. Question. While complainant was driving a team, was it or was it not understood in the Society, that that was his particular business?

Answer. Yes; that was so understood.

4. Question. When, afterwards, he went into the hat manufactory, was it or was it not understood in the Society, that that was his regular business?

Answer. Yes.

5. Question. You say it was a rule, that every man should work, unless he was sick, at his particular calling. State whether that rule was enforced or not.

Answer. It was enforced.

6. Question. Did the members work as many hours as a man hired for wages, or more?

Answer. They worked. We had our regular time in our factory to start and to stop, and others were ruled by their foreman. If the foreman wanted them to work, they worked, and if he wanted them to stop, they stopped.

7. Question. How many holidays were there in a year, in which work was suspended?

Answer. Christmas day, and another day, the anniversary of the foundation of the Society, and Harvest Home, and Good Friday, four days, and a few hours on the Fourth of July, sometimes.

8. Question. How was the clothing provided for the members?—Did each one get as much as he wanted, and had he a right to select it, or was it furnished according to general rules of the Society?

Answer. It was furnished according to the general rules of the Society; there was a man elected who had control of those things; if I wanted a piece I called on him, and he gave me an order, if he thought I needed it, and if not, he would not give it. The foreman of the different shops attended to giving out the article of their manufacture, and that is what I mean by the election spoken of above.

9. Question. Are your clothes made, and of materials made in the Society?

Answer. Yes. It was so in my time without exception.

10. Question. Did the members wear broadcloth?

Answer. Yes, sir; our overcoats for Sunday wear. It was cloth made by ourselves. We generally wove cloth from one-fourth to one-half blood merino, it was medium cloth. We wore, for every-day wear in winter, jeans and cassinet; in summer we wore cotton stuff, of our own manufacture, of different stripes. We wore shoes.

11. Question. How often would you get a cloth coat?

Answer. The first coat I got, I was twenty years old; I got one coat after that and two coatees.

[Defendants' counsel object to this answer as irrelevant.]

12. Question. How long, on an average, could a member wear a cloth Sunday coat, as a general thing?

Answer. From twelve to sixteen years. I had one coat at the Wabash, and another at Economy, and it lasted till last year, and is now gone. On the Wabash we wore buckskin, and that is the reason it lasted so long.

13. Question. How were the provisions furnished to the members? was each family, or its members, allowed whatever provisions they chose, or was that governed by some general rule?

Answer. It was governed by general rules. The flour was given on such a day; the members attended and got their flour; a regular measure was given for each individual, and if more was required, he called and got it.

14. Question. How many pounds of meat were allowed to each person per annum?

Answer. As close as my memory serves me, from forty to forty-five pounds of pork, from thirty to forty of beef, was given to each grown member in the fall, for the year. Sometimes we got fresh meat in the summer, beef and veal, say three or four times. The families had chickens, and killed them when they pleased.

15. Question. Did they get coffee or tea?

Answer. No.

16. Question. Did they use butter?

Answer. The milk was divided, and each made butter if they thought proper. Some used their milk; but most of them made butter.

Questions by Defendants' Counsel.

1. Question. How many cows had each family on the Wabash, if more than one?

Answer. Each family had a cow; large families had two. It was not so at Economy.

2. Question. Had each family a cow at Economy?

Answer. No. Some families had none.

3. Question. Were there any families that had no milk at Economy?

Answer. No. Not as I know of.

4. Question. Was the milk divided at Economy every morning and evening among the families?

Answer. Yes, sir.

5. Question. Had each family a vegetable garden at Economy?

Answer. At each house there was a vegetable garden, and if two families lived in one house, they had one garden.

6. Question. Did they raise and use whatever vegetables they desired?

Answer. They raised whatever they pleased.

7. Question. Were not the members, whilst you were in the Society, furnished with sufficient food?

Answer. I was.

8. Question. Did you fare any better than the rest, as far as you know of?

Answer. I believe not. I believe the division was equal.

9. Question. When you left Economy, did those who went away with Count Leon make a purchase of real estate at Phillipsburgh?

Answer. Yes, sir.

10. Question. How much land did they purchase?

Answer. Six hundred acres.

11. Question. How much did they pay for it?

Answer. We paid 22,000 dollars.

12. Question. Did they live extravagantly the first year they were there?

Answer. We lived as we thought was right. We lived in a Society there.

13. Question. Was it not ascertained—upon the payment in full of the one hundred and five thousand dollars, which you received from the Economy Society in the year 1832, and the spring of 1833—that the whole amount, over and above what paid the real estate, had been expended in the amount paid, and debts incurred, for the expense of living?

Answer. No. There was only part of the company who did go to Phillipsburg, and those who remained at Phillipsburg only received 60,000 dollars.

14. Question. How many went to Phillipsburg?

Answer. I cannot tell that.

15. Question. Did you go to Phillipsburg?

Answer. I did.

16. Question. Was the purchase of $22,000 made by those who went to Phillipsburg?

Answer. Yes, sir.

17. Question. Was not the whole $60,000 paid to them as early as March, 1833?

Answer. Yes. As I believe.

18. Question. Was not the whole amount of the $60,000, over and above the $22,000, paid for the real estate, ascertained to have

been expended in the amount paid, and debts incurred, for the expense of living, previous to April, 1833; and if not, what amount remained unexpended?

[This excepted to by complainant's counsel, and all the previous questions relating to the disposition of the funds received by the seceding members of the Economy Society, on the ground of irrelevancy.]

Answer. No. Part was used for building; part for living, boarding, clothing, &c., and there was thirty thousand divided in land, of which I got seventeen acres.

19. Question. When was that division made?

Answer. It was made between the years 1833 and 1836.

20. Question. When was it agreed the division should be made?

Answer. In 1833, when we sent Count Leon off; in the summer or fall.

21. Question. Was it not ascertained when or before you sent him off, that the whole amount of the $60,000 had been sunk, except what was invested in real estate and the buildings and improvements on it?

(Excepted to, as above, by complainant's counsel.)

Answer. Yes; we found no money, and then sent him off.

22. Question. What did the buildings and improvements made on the real estate purchased previous to Count Leon's going off, cost?

Answer. I should think about $15,000.

23. Did not Count Leon, in the spring of 1833, instigate or endeavor to persuade members of the Society who settled with him at Phillipsburg to return to Economy, and, in a threatening manner, force another compromise from the Harmony Society?

Answer. No, sir.

24. Question. What did he advise them to do?

(Complainant's counsel except to this, as above.)

Answer. He wanted damage. We did not get the money when due in time; the last payment.

25. Question. How many went up?

Answer. I could not tell; there were over 40.

26. Question. Do you not know that certain releases were to be executed by members who were absent when the compromise of 1832 was made, before the last payment should be made?

Answer. I cannot say.

27. Question. Was Jacob Wagner and Jacob F——— away?

Answer. I do not know why the money was not paid at the time.

28. Question. What time did you go up?

Answer. About two or three weeks after the last payment was made; that was in the spring of 1833.

(All the foregoing questions and answers, so far as they relate to the secession of certain members of the Economy Society, and their subsequent transactions with the original Society, are excepted to on account of irrelevancy.)

Further Examined by Complainant's Counsel.

1. Question. To what cause do you attribute the fact that money was sunk at Phillipsburg? Was it owing to your expensive or extravagant mode of living, or other causes?

Answer. The first cause was, that we were too much crowded with men, and had not work for them; and we had to supply them with victuals and clothes; and I believe by bad management, they filled up the Society too fast before we had work for them.

JACOB SCHEAFER.

Edward C. Putnam, sworn. 1. Question. State your age, place of residence, and occupation.

Answer. I am forty-five years of age, reside in Allegheny City, and occupation is a hatter.

2. Question. How long have you been engaged in the hatting business, and where?

Answer. I have been engaged twenty-four years in the business. I have been as a manufacturer, and finisher, and foreman, in the States of New York, Pennsylvania, Michigan, and Missouri.

3. Question. Do you carry on business here?

Answer. I have the charge of an establishment—it goes in my name—on Market Street. I have been something like twenty years in Pittsburgh; part of the time at journey work, and part at front shop.

4. Question. Do you know what a journeyman hatter's wages were from 1820 to 1846, in the city and vicinity?

Answer. Journeymen hatters work by the piece generally.

5. Question. What, in your opinion, would a journeyman, who at the same time was foreman or boss of a shop containing five hands, on an average, be able to earn, either at regular wages or working by the piece, per week, during the period embraced in the last question?

Answer. I can only say for the last twenty years. I would put the wages of a foreman from 1833 to 1846 at $9 per week; that is, the back and front shop together—the one in the front shop would make more, the one in the back shop less. I average both at $9 per week. My opinion is formed from receiving wages and knowing what other men get for better situations.

6. Question. Would you make any distinction as to price between the city and the country?

Answer. I believe the country is governed by the city.

Cross-Examined by Defendants' Counsel.

1. Question. In your estimate of wages, do you include board, washing, lodging, and clothing?

Answer. No.

2. Question. At what would you estimate them per annum?

Answer. I estimate board at $2 per week. Clothing, I could not say, but suppose about $50 per annum. Washing 50 cents per week.

3. Question. Were you in the shop where Nachtrieb the complainant, worked, while a hatter in Economy, whilst he was there?

Answer. No, sir.

4. Question. Do you know what kind of a workman he was, or what kind of hats they made at Economy, whilst he was there?

Answer. I do not know what kind of a workman he was. I do not know what kind of hats he manufactured, nor do I know the man himself.

5. Question. Do you know anything about the value of his services to the Economy Society, whilst he was in their employ as a hatter.

Answer. I do not.

6. Question. Would the rate which you fix at $9 per week as compensation, require a first rate workman, who understood the manufacture of both coarse and fine hats?

Answer. A man in that capacity would have to be a good workman, and be industrious.

E. C. PUTNAM.

Samuel Williams, sworn.—1. Question. Please state your age, residence, and occupation?

Answer. My age is forty-nine, residence, Pittsburgh, and I am a hatter.

2. Question. How long and what modes have you been engaged in the hatting business, and where?

Answer. I have been engaged as journeyman and salesman since 1827, all the time in Pittsburgh, except a few months in Massachusetts and Tennessee.

3. Question. What, in your opinion, would a journeyman hatter, who at the same time was foreman or boss of a shop with four or five hands, on an average, be able to earn, either at regular wages or working by the piece per week, during a period commencing in 1828 and terminating in 1846?

Answer. I say $9 per week would be a low average estimate.

4. Question. Would you make any distinction in that estimate if the journeyman worked in a town twenty miles from the city?

Answer. I would make no difference whatever for fifty miles distant from the city. The prices are the same as in the city.

5. Question. Do you know the complainant?

Answer. I do not.

Cross-Examined by Defendants' Counsel.

1. Question. In your estimate of $9 per week, do you include board, washing, clothing and lodging, &c.

Answer. I do not.

2. Question. At what value do you estimate boarding and lodging per week?

Answer. At $2 per week, on an average; some higher, some lower.

3. Question. At what sum would you estimate the expense of clothing, per annum?

Answer. About $50 a year.

4. Question. At what sum would you estimate the expense of washing, per week?

Answer. 50 cents.

5. Question. At the wages of $9 per week, would you not require a first rate workman?

Answer. He ought to be a good workman and industrious. A man working by the piece can earn more, but I think $9 a fair average.

6. Question. What length of time would it require a person of ordinary capacity, to learn to be a first rate workman, if put into a shop at the age of thirty years?

Answer. About three years.

7. Question. Were you in the shop at Economy, whilst the complainant was employed there as a hatter?

Answer. I cannot recollect that I was; I think I was there in 1827.

8. Question. Do you know anything about the value of his services to the Economy Society as a hatter, or his capacity as such?

Answer. I do not.

Re-examined by Complainant's Counsel.

1. Question. How many hours of labor do you consider a fair day's work for a hatter?

Answer. We used to commence at 6 and quit at 6, stopping sometimes three-quarters, and sometimes an hour at noon.

SAMUEL WILLIAMS.

Jahn Miller, sworn.—1. Question. State your age, place of residence, and occupation?

Answer. I am fifty-four years old, live in Bridgewater, Beaver County, and am a lumber merchant.

2. Question. Have you at any time been a member of the Economy Society. If yea, state how long, and when did you leave it?

Answer. I have been a member fourteen years, and left in 1832.

3. Question. Did you know the complainant during those fourteen years?

Answer. Yes.

4. Question. Please state what business you knew him to be engaged in, while a member of said Society.

Answer. He was teamster when I came there, afterwards he was in the hatter shop. He was in the hatter shop four or five years before I left.

5. Question. How did he discharge his duties in these capacities?

Answer. He was considered as a faithful, industrious member.

6. Question. How did he apply himself. Like a man that was working for himself, or like one receiving wages?

Answer. He worked like as it was his own.

7. Question. What, in your opinion, would be a fair and just compensation for the services rendered by complainant, whilst engaged as a teamster?

Answer. The way we did work, early and late, particularly the teamsters, I would not give him less than $300 per year. I would take his boarding out of that sum.

8. Question. How much would you consider a fair allowance for the complainant's services in the hat manufacturing business, after the first two or three years of his engagement in it?

Answer. I think $450 per year would be fair.

9. Question. Taking into consideration the kind of clothing and boarding which the members of that Society were in the habit of receiving, what, in your opinion, would be a fair allowance for boarding, clothing, washing, &c., of complainant, per annum?

Answer. I think $70.

10. Question. Do you know what complainant's age was when he came to Economy?

Answer. He was nineteen years of age.

11. Question. State whether or not, he was doing a man's work at that time.

Answer. He did. He had a team to attend to like any other grown man.

12. Question. How many hours in the day was he in the habit of working with his team?

Answer. Generally from daylight to dark.

13. Question. Did he take care, and attend to his own team?

Answer. Yes, sir.

14. Question. When his team was not engaged or at rest, did he occupy himself at something else, or was he idle?

Answer. He was constantly at something else.

15. Question. State whether or not his team was constantly employed the year round?

Answer. As much as I can recollect, it was.

16. Question. In what branch of business were you yourself, engaged?

Answer. In the carpenter shop.

Adjourned to meet at 9 o'olock.

Friday, Aug. 5th, 1853, 9 o'clock A. M.

Met; parties present. Examination of John Miller, resumed.

17. Question. Was the labor or occupation in which a man engaged in the Society, left to his own choice, or was he governed in that by others?

Answer. He was governed by Mr. Rapp and the foreman.

18. Question. After complainant got through working with his team, and finished his daily work with it, state how he occupied himself at noon and in the evenings?

Answer. He was occupied by chopping firewood and working in the garden, or doing something about the house, fixing up, and the like.

19. Question. How many hours were the members in the habit of working in the Society, whilst you were there, per day?

Answer. There was no hours set, as I can recollect; we worked in the summer from day till dark, and in winter, by candlelight in the morning about one hour, and three hours in the evening.

20. Question. What, in your opinion, and as far as your experience goes, would be the relative value between the labor of the male and female members of said Society?

Answer. Females about one-third.

21. Question. State whether or not, the members of the Society were required to perform as much labor as their several capacities would bear?

Answer. Yes, sir.

22. Question. How was the labor in the earlier years of the existence of the Society, as compared with the later period, for instance, from 1819 to 1832?

Answer. It was harder in 1819 than in 1832; for instance, there was more clearing in the earlier part, and in building up the town.

23. Question. Were there any improvements at Economy, when the Society moved there in 1824?

Answer. Very little.

24. Question. Were there any improvements on the Wabash, when the Society moved there?

Answer. I was not there. As I understood from the members, there was none. I was not there at the time they moved, but was afterwards.

Cross-examined.

1. Question. What year did you join the Society?

Answer. In 1817.

2. Question. What business did you follow?

Answer. House carpenter, builder, &c.

3. Question. Did you follow any other business while a member?

Answer. No, sir.

4. Question. Did you work with complainant any, whilst a teamster?

Answer. No, sir.

5. Question. Did the persons in the neighborhood, whilst complainant was driving team, pay good hands more than $10 or $12 per month, the year round, for driving team?

Answer. I do not know that they did; I am not acquainted with the wages; I guess not.

6. Question. Did not the complainant follow the general farming business, such as plowing and hauling, when there was hauling to do, using the team when it was required, and working without it when it was not required?

Answer. There was more farming than teaming, such as teamsters generally do on a farm.

7. Question. Did you ever work with complainant in the hatter shop?

Answer. No, sir.

8. Question. Are you acquainted with the hatting business?

Answer. No, sir.

9. Question. Do you know what was paid journeymen hatters per week, or month, from 1828 to 1832, in the neighborhood?

Answer. I have heard what was paid before, but not during that time.

10. Question. Do you know how long it requires to learn the hatting business?

Answer. No, sir.

11. Question. Did the teams go out in the morning before breakfast?

Answer. They did not go out before breakfast.

12. Question. Did they generally go out before sunrise, or not till after?

Answer. It depended on the kind of work; sometimes before, sometimes after.

13. Question. What length of recess did the team generally take at noon?

Answer. To give the horses time to feed, whether it took one or two hours.

14. Question. Did they not generally return from their work as early as sunset?

Answer. Sometimes sooner, sometimes later; generally about that time.

15. Question. What were the hours of labor in the hatter shop, from 1828 to 1832?

Answer. I never heard that hours were set; they worked from morning early till night, in summer time, and in winter generally three or four hours by candlelight; one hour in the morning, and from two to three in the evening.

16. Question. What recess did they generally take for meals, breakfast, dinner, and supper?

Answer. Breakfast and supper we had no recess, at dinner, one hour. (We had time to eat our meals.)

17. Question. Did they have lunch in the summer time, in the forenoon and afternoon, at the mechanic shops?

Answer. In the afternoon generally in summer.

18. Question. Have you given your testimony heretofore, in this case?

Answer. Yes, sir.

19. Question. Does the complainant's father reside in the Society?

Answer. He resides in the Society and belongs to it, and has ever since I was there.

20. Question. How old is complainant's father, and what the state of his health?

Answer. He must be a man of seventy odd or eighty. In my time he was a stout man; I heard he is now feeble.

21. Question. Can you state how many of the Society went with Count Leon from Economy?

Answer. About two hundred; perhaps two hundred and twenty-five or two hundred and thirty.

22. Question. How many settled at Phillipsburgh?

Answer. About one hundred and eighty; I could not say positively.

23. Question. What portion of the sum of $105,000 did those who settled at Phillipsburgh receive?

Answer. I cannot tell—I had nothing to do with the settlement. I left the place sooner than the rest.

24. Question. Did you go up to Economy with the company mentioned by Mr. Scheaffer, in his testimony yesterday, to claim damages?

Answer. I did not.

25. Question. Do you know how many went?

Answer. I do not.

Re-examined.

1. Question. When you say that the complainant followed farming business, do you mean to say that he labored on the farm with his team?

Answer. Yes.

2. Question. At what time was the complainant and other members of the Society in the habit of rising and retiring?

Answer. In summer time got up at half-past four, or five o'clock, in winter, half-past five, or six; the farmers generally got up one hour earlier—I mean the teamsters; they retired in summer at nine, or half-past nine o'clock, in winter at ten o'clock.

3. Question. Were not the members engaged sometimes before breakfast and during recess, and after night in domestic labors, attending to their gardens, &c.?

Answer. They were always working at something.

4. Question. When did they generally till and plant their gardens?

Answer. In the hours of recess, and in the evening after supper and before dark.

5. Question. You say they had lunch in the mechanic shops in the afternoon in summer; of what did it consist, and how long did it take to consume it?

Answer. It was a pint of beer and a piece of bread. It did not suspend the work long.

6. Question. How, in your opinion, did the complainant work, both as to quantity and quality, compared with that of a hired man?

Answer. I would make a difference; he worked more and faithfuller and better than a hired man for wages.

7. Question. How long did those who left under Leon continue to reside at Phillipsburg, as an organized society?

Answer. About one year.

8. Question. To what causes do you attribute the failure of that enterprise?

Answer. To the mode of Count Leon's management. The mode of living of the members was no part of the cause.

Further by Defendants' Counsel.

1. Question. How much money do you suppose was expended in buildings and improvements at Phillipsburg?

Answer. Not less than 18,000 dollars. We built several houses that cost a great deal at Phillipsburg.

2. Question. What crops did they raise that year?

Answer. I could not tell; I had nothing to do with farming.

3. Question. Did they cultivate and raise crops from the land that was cleared?

Answer. Yes, sir.

4. Question. What portion of the land was cleared when they bought?

Answer. Hardly one-fourth.

5. Question. Do you know anything about the business of the Economy Society since you left in 1832?

Answer. No.

JOHN MUELLER.

John Trompeter, sworn. 1. Question. State your age, place of residence, and occupation?

Answer. I am fifty-three years of age; my residence is in Phillipsburgh, Beaver County; I am a farmer at present.

2. Were you ever a member of the Economy Society? and if so, during what period?

Answer. I was; I joined in 1814, and left in 1832.

3. Question. In what capacities were you employed in the Society, and at what time did you commence doing a man's work?

Answer. I had different occupations; my principal occupation was carpenter, and then I followed shoemaking a while, and manufacturing. I done a man's work between the age of seventeen or eighteen; I was then a carpenter.

4. Question. Did you know the complainant while in the Society, and were you acquainted with his occupations?

Answer. Yes, sir.

5. Question. At what age, as near as you can tell, did he commence to labor actively in the Society?

Answer. I could not tell when he commenced. I did not know all the people. I came there in 1814, and he had went to the Wabash.

6. Question. When you went into the Society what was the complainant then doing.

Answer. As much as I know, he was at the Wabash and I was in Butler County.

7. Question. Did you know the complainant while he had charge of a team and with it was engaged in agricultural pursuits?

Answer. Yes, as far back as 1817.

8. Question. About how long did he continue to be so engaged?

Answer. From 1817 to 1827, or 1828, one of these two years.

9. Question. After that, how was he engaged?

Answer. In the hatter shop.

10. Question. Please explain what sort of labor complainant did while he had charge of a team—describe his various duties.

Answer. When I was acquainted with him, he was grown up to be a strong man—and the way he attended to his business as—an industrious man. I think he was worth one dollar per day. He done everything that came into the teaming line—stone hauling, timber hauling, hay hauling, plowing, and everything where a team was needed.

11. Question. State whether or not he was constantly engaged at that until he went into the hat manufactory.

Answer. He was always engaged in that line.

12. Question. Had you or had you not a personal knowledge of the services which he rendered, either working with him part of the time or seeing him frequently.

Answer. I never worked with him, but I saw him often, and I was many times around him assisting him. I was a carpenter, hewing in the woods, and we helped him to load and unload timber, and I mostly always saw him ahead or never behind, in the morning when the teams went out, six, eight, or ten, he was among the foremost.

3. Question. Were not the members engaged sometimes before breakfast and during recess, and after night in domestic labors, attending to their gardens, &c.?

Answer. They were always working at something.

4. Question. When did they generally till and plant their gardens?

Answer. In the hours of recess, and in the evening after supper and before dark.

5. Question. You say they had lunch in the mechanic shops in the afternoon in summer; of what did it consist, and how long did it take to consume it?

Answer. It was a pint of beer and a piece of bread. It did not suspend the work long.

6. Question. How, in your opinion, did the complainant work, both as to quantity and quality, compared with that of a hired man?

Answer. I would make a difference; he worked more and faithfuller and better than a hired man for wages.

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Answer. Not less than 18,000 dollars. We built several houses that cost a great deal at Phillipsburg.

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Answer. I could not tell; I had nothing to do with farming.

3. Question. Did they cultivate and raise crops from the land that was cleared?

Answer. Yes, sir.

4. Question. What portion of the land was cleared when they bought?

Answer. Hardly one-fourth.

5. Question. Do you know anything about the business of the Economy Society since you left in 1832?

Answer. No.

JOHN MUELLER.

John Trompeter, sworn. 1. Question. State your age, place of residence, and occupation?

Answer. I am fifty-three years of age; my residence is in Phillipsburgh, Beaver County; I am a farmer at present.

2. Were you ever a member of the Economy Society? and if so, during what period?

Answer. I was; I joined in 1814, and left in 1832.

3. Question. In what capacities were you employed in the Society, and at what time did you commence doing a man's work?

Answer. I had different occupations; my principal occupation was carpenter, and then I followed shoemaking a while, and manufacturing. I done a man's work between the age of seventeen or eighteen; I was then a carpenter.

4. Question. Did you know the complainant while in the Society, and were you acquainted with his occupations?

Answer. Yes, sir.

5. Question. At what age, as near as you can tell, did he commence to labor actively in the Society?

Answer. I could not tell when he commenced. I did not know all the people. I came there in 1814, and he had went to the Wabash.

6. Question. When you went into the Society what was the complainant then doing.

Answer. As much as I know, he was at the Wabash and I was in Butler County.

7. Question. Did you know the complainant while he had charge of a team and with it was engaged in agricultural pursuits?

Answer. Yes, as far back as 1817.

8. Question. About how long did he continue to be so engaged?

Answer. From 1817 to 1827, or 1828, one of these two years.

9. Question. After that, how was he engaged?

Answer. In the hatter shop.

10. Question. Please explain what sort of labor complainant did while he had charge of a team—describe his various duties.

Answer. When I was acquainted with him, he was grown up to be a strong man—and the way he attended to his business as—an industrious man. I think he was worth one dollar per day. He done everything that came into the teaming line—stone hauling, timber hauling, hay hauling, plowing, and everything where a team was needed.

11. Question. State whether or not he was constantly engaged at that until he went into the hat manufactory.

Answer. He was always engaged in that line.

12. Question. Had you or had you not a personal knowledge of the services which he rendered, either working with him part of the time or seeing him frequently.

Answer. I never worked with him, but I saw him often, and I was many times around him assisting him. I was a carpenter, hewing in the woods, and we helped him to load and unload timber, and I mostly always saw him ahead or never behind, in the morning when the teams went out, six, eight, or ten, he was among the foremost.

13. Question. Did he remain in the hatter shop till you left the Society?

Answer. Yes, sir.

14. Question. In what capacity was he in that shop?

Answer. He first learned the trade; after he was about 2 and 2½ years in the shop, the foreman left and he became foreman.

15. Question. How many hands, on an average, were employed in that shop?

Answer. I cannot tell whether there were four besides him or four with him, but there were four anyhow.

16. Question. What, in your opinion, would be fair and reasonable compensation for complainant's services, while he was in the hat establishment, per annum?

Answer. From the time he was master of his trade, I think, he was worth one dollar and fifty cents per day.

17. Question. How did complainant discharge his duties; did he work like a man hired for wages, like a servant, or like a man that was working for himself, and trying to accumulate or get rich?

Answer. I think he worked like an industrious man works for himself, and wants to get rich; we most all worked that way.

18. Question. What allowance would you consider fair and just for complainant's boarding and clothing, washing, &c., per annum?

Answer. The boarding, clothing, and washing was worth, while I was there, betwixt 70 and 80 dollars per year.

19. Question. How many hours in the day, as a general thing, were the complainant, and other members of the Society, engaged in actual employment?

Answer. The rule was, all the members worked from sunrise till sunset, through the summer; in the winter time they worked from six o'clock, A. M., till eight o'clock, P. M. Teamsters and other laboring hands just had the same rules, except those that took their breakfast come sometimes a little later.

20. Question. How many hours of recess were there during the day?

Answer. Those that went to their breakfast had half an hour for their breakfast, an hour for dinner, and about three-quarters of an hour for supper.

21. Question. Did those engaged in the field, or as teamsters, do any work after the regular labors of the day were ended? and if so, how and where were they engaged?

Answer. Yes, sir; they done labor. We made all our fire-wood, cut it and split it; down at the Wabash it was hauled to us in rough logs, and in Economy we had cord-wood; likewise, on the Wabash, we fenced up our gardens in the recess time and in the nights with paling fence; we went out and cut down the timber, and made the pales. We also made the gardens in recess.

22. Question. What, in your opinion, was the relative value be-

tween male and female labor in the Society, whilst you were a member?

Answer. I think about one-third; I mean the female labor to be worth one-third of the male labor.

23. Question. State, whether or not it was a general rule that members of the Society should perform all the labor of which they were capable?

Answer. Yes, sir.

24. Question. Was there much time devoted to visiting, either among the members themselves, or elsewhere, or to reading, or play, or recreation?

Answer. At no other times, except at nights and Sundays; visiting out of the Society was not allowed.

Cross-examined.

1. Question. How long did you continue the business of a carpenter after you joined the Society?

Answer. I worked at it about five or six years, off and on.

2. Question. Did you follow the business of a teamster or manufacturer of hats during any portion of the time that you lived in the Society?

Answer. I did not.

3. Question. During the time Nachtrieb was driving team in the Society, did the neighboring farmers pay good hands more than $10 or $12 per month for farming or driving team?

Answer. I do not know what was paid out of the Society. With the neighbors I had no communication; the Society did not employ such, to my knowledge.

4. Question. Do you know anything about the complainant's services after you left there?

Answer. I do not.

5. Question. Do you know what was generally paid journeymen hatters per week, month, or year, during the time Nachtrieb was engaged in the hatting business, before you left Economy?

Answer. I do not.

6. Question. Do you know anything about the value of the stock, or amount of capital employed in the hatting business at Economy, whilst you were there?

Answer. No, sir.

7. Question. Do you know of the Society ever paying wages to any of its members for services rendered?

Answer. Not as I know of.

8. Question. Had the Society a band of music at the Wabash, and also at Economy?

Answer. They had one.

9. Question. Was the band composed of members of the Society?

Answer. Yes, sir.

10. Question. Where did the band learn to play? In the Society or out of it?

Answer. In the Society, except the old ones who could play before they came there.

11. Did the band not play frequently?

Answer. It played often, once or twice a week; most always on Sunday, and often on other evenings.

12. Question. Had they singing schools in the Society?

Answer. Yes, sir.

13. Question. Whilst you were in the Society, did you ever make any estimate of the comparative value of male and female labor?

Answer. I did not.

14. Question. Did not the Society keep a druggist shop, and furnish medical attendance to the members when sick, or when they required medical attendance?

Answer. Yes, both.

15. Question. How often did they have public worship in the Society during the week?

Answer. Two meetings on Sunday, and one on Wednesday night.

16. Question. Do farmers generally keep hands in their employ, and pay them wages, unless they work diligently and faithfully?

Answer. They do not commonly, unless they are in a pinch.

17. Question. Do you undertake to say that Nachtrieb or the other persons engaged in farming and driving team at Economy, performed more service or labor than good hands in the employment of the farmers in the neighborhood?

Answer. I think they did. I think there might be some persons who did, but they did more than the laborers generally do round the country at the time Nachtrieb was there. I think they averaged two hours more, in the Society than in the country, per day as teamsters.

18. Question. How happens it that you are enabled to swear that hands employed by the neighbors worked two hours a day less than those employed in teaming in the Society, when you held no communication as you say with persons out of the Society?

Answer. After I left the Society I hired teams myself, and no team ever come before 7 o'clock, A. M., and quit about 6 o'clock in the evening. I was told by them, that was the rule.

(The last clause excepted to by the defendant as hearsay and irrelevant.)

19. Question. Have you any other knowledge on the subject than what you have stated, and if so, what?

Answer. I have no other particular knowledge.

20. Question. Did you go up to Economy with Sheaffer on the occasion he mentioned in his testimony yesterday?

Answer. I went up with that company.

21. Question. How many went along in that company?

Answer. I cannot tell.

22. Question. Did you ever follow farming until after you left Economy?

Answer. Not till after I left Economy.

23. Question. Do you think there was as many as seventy went up to Economy in the company above mentioned?

Answer. I could not tell whether there was forty or seventy.

24. Question. Do you believe there was as many as seventy?

Answer. I do not believe there was.

25. Question. Do you believe there was as many as sixty?

Answer. I cannot say a thing I do not know sure, I have no belief in it.

26. Question. Do you believe there was a less number than sixty?

Answer. I say there might be sixty, but I am not sure of it.

Re-examined by plaintiff's counsel.

1. Question. Did Nachtrieb belong to the music band spoken of in your cross-examination?

Answer. Not that I was acquainted with him.

2. Question. Did not that band practise in the evening or at night?

Answer. They practised in the evening after supper and at night.

3. Question. When you went up to Economy, in 1833, do you know how many male members of the Society were left at Economy?

Answer. I do not know.

JOHN TROMPETER.

Adjourned to meet at Pittsburgh, at my office in the Court House, on the 17th inst., without further notice.

H. SPROUL,
Master.

Wednesday, Aug. 17, 1853.

In pursuance of the adjournment, I attended at my office, in the city of Pittsburgh, and the parties not being in attendance, I adjourned to meet to-morrow morning at 9 o'clock.

Thursday, Aug. 18, 1853, 9 o'clock, A. M.

Pursuant to adjournment, I attended at my office, and in consequence of the absence of complainant's counsel, I adjourned to meet at 2 o'clock, P. M.

Thursday Afternoon, Aug. 18, 1853, 2 o'clock.

Parties appear.

The complainant offered as a witness, George Frank.

Defendants' counsel objects to his being sworn, on the ground of interest, he being the security for costs in the case.

Master rules out the evidence, on the ground of interest.

Philip Bentel, re-called by Complainant.

1. Question. State what, in your opinion, the land owned by the Harmony Society at Economy, was worth per acre in 1846, and how much land they owned in Beaver County at that time?

Answer. About three thousand acres or upwards, and I think the land worth $50 per acre at that time, exclusive of improvements.

2. Question. What, in your opinion, were the improvements, to wit: the buildings, &c., worth at that time?

Answer. Brick dwellings for families cost about $600 apiece. Frame dwellings 28 by 25, could not be built for less than $550; frame dwellings 50 by 25, one story high, cost about $500 each; log houses weatherboarded two stories high 50 by 26, costs as much as frames, $500; red frame houses 28 by 20, one story high, costs from $275 to $300; same class two stories, from $450 to $500; the tavern house, brick and frame, I value at $2,000; museum building $3,500; brick church 80 by 50, 22 feet high, $3,000; store house, 60 by 40, $2,500; Mr. Rapp's house and the buildings on that square, $5,000; brick house 47 shoe shop, &c., $2,000; school house, 45 by 38, frame, $800; a kitchen 36 by 20, frame, $150; one barn, 6 bents 80 by 50, from $1,000 to $1,200; and frame stable 90 by 24, $450; one calf stable, 66 by 26, two stories high, $400; one hay house 135 by 24, 16 feet high, $400; one chaff house 24 by 24, 12 feet high, $175; one straw shed 62 by 22, 16 feet high, $150; one frame barn 140 by 50, 20 feet high with engine house attached, 26 by 25, for both, $1,300 or $1,400; one ox stable 140 by 36, 16 feet high, $600; two horse stables 55 by 25, 16 feet high, $600; one plough house 16 by 12, 8 feet eight, $40; one dray horse stable 24 by 12, 14 feet high, about $45; one wagon shed 140 by 18, 12 feet high, $175; seven corn cribs 27 by 7, 10 feet high $200; one corn crib, 80 by 7, 10 feet high, $75 or $80, if made of slabs, say $50 or $60; one corn crib, made with slabs, 12 by 16, 12 feet high, $25; one ox stable, 90 by 25, 16 feet high, good frame, from $250 to $275; one hay house, 70 by 24, 16 feet high, $175; one tavern stable, 60 by 25, 16 feet high, $200; one sheep house, 130 by 40, *old*, $250; one old woollen factory, 110 by 40, 3 stories high, brick, $3,500 to $4,000; one frame dry house, 100 by 12, two stories high, $200; one wool house, 26 by 45, two stories high, frame, $250; one old frame, 30 by 30, $150; stone-cutter shop, 24 by 15, 12 feet high, $30; one dye shop, 50 by 40, 10 feet high, $200; one do. 21 by 16, 10 feet high, $50; old wine press house, 45 by 36, 16 feet high, $200; weaver shop, 50 by 24, $250; paint shop, 40 by 15, 12 feet high, $150; wheelwright shop, 45 by 18, 10 feet high, $175; glue house, 24 by 26, 16 feet high, $75; wool house, 50 by 30, 18 feet high, $250; saddler's shop, 27

by 17, 12 feet high, $175; silk house, 120 by 25, 16 feet high, $700 or $800; doctor shop, 40 by 17, one story high, $200; joiner shop, 46 by 28, one story high, $250; hatter shop, 44 by 20, one and one-half stores high, $300; tailor shop, green house, 85 by 37, 3 stories high, frame, with cellar, $800; warehouse, 24 by 25, two stories high, $200; brewery building, log and frame, 60 by 30, $350; wagon-maker's shop, 45 by 20, one story, frame, $250; blacksmith shop, 80 by 19, one story, frame, $225; bakehouse, 18 by 45, one story, $250; distillery, 40 by 40, 12 feet high, $200; wash house, 40 by 21, one story, $125; cider house, 30 by 24, two stories, frame, $225; shop, 33 by 15, one story, $80 or $90; slaughter house, 30 by 18, one story, $100; cooper shop, 42 by 22, $275 to $300; grain house, 50 by 25, two stories high, $325; one potter shop, old log building, 18 by 20, $35 to $40; tannery, 68 by 24, two stories, $350; one cook house, 75 by 54, $200; grain house, 60 by 40, 3 stories high, $700; cotton factory, 90 by 36, 3 stories high, French roof, $2,500; sizing house, 16 by 12, one story high, $75.

3. Question. What was the condition of those buildings, when they were erected—were they substantially or slightly built?

Answer. They were built substantial, plain, common buildings.

4. Question. In estimating the value of the buildings above enumerated, do you wish to be understood as giving their cost, or their actual value in 1846?

Answer. I think their actual value in 1846.

5. Question. Do you know of any sales of land made in the vicinity of Economy, immediately preceding the year 1846, by which you arrive at the valuation you have given, and if so, how did those lands compare with the Economy lands, and for what price were they sold?

Answer. Mr. Shiras bought 100 acres of improved land, about four miles below Economy, at $60 per acre; no houses about the year 1840, or thereabouts. This was a little better land, on an average, than the Economy lands.

6. Question. From that time forward, to 1846, did lands in that vicinity rise or fall in value?

Answer. I think they were about stationary in those years.

7. Question. Have lands fallen or advanced since 1846?

(Defendants' counsel excepts to the foregoing interrogatory, as irrelevant, and as not within the terms specified in the decree of the Court.)

(The Master sustains the exception, to which decision of the Master, complainant's counsel excepts.)

8. Question. Have you been engaged in building, and what are your means of knowledge as to the value of buildings?

Answer. I have had two or three houses built, and have seen a good deal of building going up in the place where I live. It was pretty much built up in my time.

Master rules out the evidence, on the ground of interest.

Philip Bentel, re-called by Complainant.

1. Question. State what, in your opinion, the land owned by the Harmony Society at Economy, was worth per acre in 1846, and how much land they owned in Beaver County at that time?

Answer. About three thousand acres or upwards, and I think the land worth $50 per acre at that time, exclusive of improvements.

2. Question. What, in your opinion, were the improvements, to wit: the buildings, &c., worth at that time?

Answer. Brick dwellings for families cost about $600 apiece. Frame dwellings 28 by 25, could not be built for less than $550; frame dwellings 50 by 25, one story high, cost about $500 each; log houses weatherboarded two stories high 50 by 26, costs as much as frames, $500; red frame houses 28 by 20, one story high, costs from $275 to $300; same class two stories, from $450 to $500; the tavern house, brick and frame, I value at $2,000; museum building $3,500; brick church 80 by 50, 22 feet high, $3,000; store house, 60 by 40, $2,500; Mr. Rapp's house and the buildings on that square, $5,000; brick house 47 shoe shop, &c., $2,000; school house, 45 by 38, frame, $800; a kitchen 36 by 20, frame, $150; one barn, 6 bents 80 by 50, from $1,000 to $1,200; and frame stable 90 by 24, $450; one calf stable, 66 by 26, two stories high, $400; one hay house 135 by 24, 16 feet high, $400; one chaff house 24 by 24, 12 feet high, $175; one straw shed 62 by 22, 16 feet high, $150; one frame barn 140 by 50, 20 feet high with engine house attached, 26 by 25, for both, $1,300 or $1,400; one ox stable 140 by 36, 16 feet high, $600; two horse stables 55 by 25, 16 feet high, $600; one plough house 16 by 12, 8 feet eight, $40; one dray horse stable 24 by 12, 14 feet high, about $45; one wagon shed 140 by 18, 12 feet high, $175; seven corn cribs 27 by 7, 10 feet high $200; one corn crib, 80 by 7, 10 feet high, $75 or $80, if made of slabs, say $50 or $60; one corn crib, made with slabs, 12 by 16, 12 feet high, $25; one ox stable, 90 by 25, 16 feet high, good frame, from $250 to $275; one hay house, 70 by 24, 16 feet high, $175; one tavern stable, 60 by 25, 16 feet high, $200; one sheep house, 130 by 40, *old*, $250; one old woollen factory, 110 by 40, 3 stories high, brick, $3,500 to $4,000; one frame dry house, 100 by 12, two stories high, $200; one wool house, 26 by 45, two stories high, frame, $250; one old frame, 30 by 30, $150; stone-cutter shop, 24 by 15, 12 feet high, $30; one dye shop, 50 by 40, 10 feet high, $200; one do. 21 by 16, 10 feet high, $50; old wine press house, 45 by 36, 16 feet high, $200; weaver shop, 50 by 24, $250; paint shop, 40 by 15, 12 feet high, $150; wheelwright shop, 45 by 18, 10 feet high, $175; glue house, 24 by 26, 16 feet high, $75; wool house, 50 by 30, 18 feet high, $250; saddler's shop, 27

by 17, 12 feet high, $175; silk house, 120 by 25, 16 feet high, $700 or $800; doctor shop, 40 by 17, one story high, $200; joiner shop, 46 by 28, one story high, $250; hatter shop, 44 by 20, one and one-half stores high, $300; tailor shop, green house, 85 by 37, 3 stories high, frame, with cellar, $800; warehouse, 24 by 25, two stories high, $200; brewery building, log and frame, 60 by 30, $350; wagon-maker's shop, 45 by 20, one story, frame, $250; blacksmith shop, 80 by 19, one story, frame, $225; bakehouse, 18 by 45, one story, $250; distillery, 40 by 40, 12 feet high, $200; wash house, 40 by 21, one story, $125; cider house, 30 by 24, two stories, frame, $225; shop, 33 by 15, one story, $80 or $90; slaughter house, 30 by 18, one story, $100; cooper shop, 42 by 22, $275 to $300; grain house, 50 by 25, two stories high, $325; one potter shop, old log building, 18 by 20, $35 to $40; tannery, 68 by 24, two stories, $350; one cook house, 75 by 54, $200; grain house, 60 by 40, 3 stories high, $700; cotton factory, 90 by 36, 3 stories high, French roof, $2,500; sizing house, 16 by 12, one story high, $75.

3. Question. What was the condition of those buildings, when they were erected—were they substantially or slightly built?

Answer. They were built substantial, plain, common buildings.

4. Question. In estimating the value of the buildings above enumerated, do you wish to be understood as giving their cost, or their actual value in 1846?

Answer. I think their actual value in 1846.

5. Question. Do you know of any sales of land made in the vicinity of Economy, immediately preceding the year 1846, by which you arrive at the valuation you have given, and if so, how did those lands compare with the Economy lands, and for what price were they sold?

Answer. Mr. Shiras bought 100 acres of improved land, about four miles below Economy, at $60 per acre; no houses about the year 1840, or thereabouts. This was a little better land, on an average, than the Economy lands.

6. Question. From that time forward, to 1846, did lands in that vicinity rise or fall in value?

Answer. I think they were about stationary in those years.

7. Question. Have lands fallen or advanced since 1846?

(Defendants' counsel excepts to the foregoing interrogatory, as irrelevant, and as not within the terms specified in the decree of the Court.)

(The Master sustains the exception, to which decision of the Master, complainant's counsel excepts.)

8. Question. Have you been engaged in building, and what are your means of knowledge as to the value of buildings?

Answer. I have had two or three houses built, and have seen a good deal of building going up in the place where I live. It was pretty much built up in my time.

9. Question. How has it been in the last 20 years, as to the expense of erecting and building houses—have they become more or less expensive?

Answer. I think they have been rather a little more expensive.

10. Question. By whom were the business affairs of the Society managed, during the period of your membership?

Answer. By Frederick Rapp.

11. Question. By whom was he assisted?

Answer. By R. L. Baker, John Richard, Conrad Frecht, and myself.

12. Question. Did George Rapp participate in the management of the Society, and if so, to what extent?

Answer. Only in the home affairs; not in the mercantile department.

13. Question. What duties did Frederick Rapp discharge?

Answer. He generally attended to the outward duties; kept the moneys under his charge, and such things.

14. Question. What business did Romelius L. Baker superintend?

Answer. He was in the store, attending to buying and selling, wholesale and retail.

15. Question. Who had the principal charge of the fiscal affairs of the Society, and the custody of its funds and moneys?

Answer. Frederick Rapp.

16. Question. State by whom, and in what manner, the accounts of the Society were kept. State particularly what yearly statements were made out, and by whom, and for what purpose they were made out.

Answer. They were mostly kept at the store. On New Year's, the different tradesmen brought in their books to the store, and a balance was struck for each shop, showing what goods they had sold, and what was made for the different families; also, the factory accounts, showing what they had made. It was generally drawn off in a small book. All the accounts, and that little book, were given to Mr. Frederick Rapp, to show to old Mr. Rapp. It was generally written in German, so that he could read it. Any further account of the principal, stocks, or moneys, we never had at the store, and had no account of it.

17. Question. Were the annual accounts submitted to the inspection of any other person than Mr. George Rapp?

Answer. Not to my knowledge.

18. Question. Were they, by him, or any one else, published to the Society?

Answer. No, sir.

19. Question. Were the members of the Society in any manner informed of the condition of the Society, or of how much had been gained during the year?

Answer. No, sir.

20. Question. What become of these annual accounts, after they had been submitted to Mr. Rapp?

Answer. We generally kept a copy of it at the store; the other, Mr. Rapp kept. We filed ours away. I do not know what Mr. Rapp done with his. I never saw any of them examine them afterwards; we never had occasion for them.

21. Question. To whom, were the moneys received in the store, factories, and different shops, paid over?

Answer. Generally once a week, to Frederick Rapp, on Saturdays; he alone received the money; all the money was handed to him.

22. Question. How long, and up to what year, were you in the store?

Answer. From 1822 to 1832, ten years. I went into the store when Mr. Baker went to Germany.

23. Question. Was there any account kept in the store, of the money paid over to Frederick Rapp?

Answer. I do not think there was. I do not recollect of any.

24. Question. State whether you assisted in making out any of the annual accounts of which you have spoken.

Answer. Yes, I generally helped.

25. Question. What directions, if any, were given to you, either by George or Frederick Rapp, relative to those accounts, particularly as to their being increased or diminished?

Answer. One time, after we had made out the factory accounts, they seemed pretty large, Frederick Rapp made the remark, that if he would show old George Rapp such balances, the old man would want to know where the money was—that we should make the balance appear rather smaller, if it could be done. There was then some deduction made for wear and tear of machinery, &c., which brought the balance down. What I mean by balance, is the net profits.

26. In what year was this conversation?

Answer. It was in 1830 or 1831, at New Year, when making out the accounts.

27. Question. What was the profits of the factories, for the year at the end of which the account was made out, to the best of your recollection?

Answer. I think about $30,000 or $35,000 for the woollen factory; the cotton factory was $10,000 or $15,000. I do not remember exactly; I am not positive.

28. Question. Do you remember to what sums these balances were decreased, after Frederiek Rapp had given you the direction above spoken of?

Answer. I think they were reduced some $2,000 or $3,000.

29. Question. Did you see those accounts afterwards?

Answer. No.

30. Question. State what kind of business was carried on during your membership in Butler and on the Wabash.

Answer. I do not recollect as to Butler; I was only eight years of age when I left there. We carried on, on the Wabash, the cotton and woollen factory business on a small scale. We had two large distilleries there. We were five or six years in getting the land cleared. We had flour, steam, and water mills, one of each.

31. Question. Do you know how much land the Society owned on the Wabash; what was paid for it, and what it sold for?

Answer. I think they had thirty or thirty-five thousand acres, mostly government land, at $1\frac{25}{100}$ per acre. Some improved farms they paid from $2 to $5 per acre for. I was not informed what the price sold for. As near as I understood, the whole was sold for $140,000 or $150,000. The real estate I mean.

32. Question. Do you know, either from your own knowledge, or what you heard Mr. George or Frederick Rapp say, how much the value of the entire property owned by the Society was at the time they removed from the Wabash to Economy, in Beaver County?

Answer. Neither of the Mr. Rapps ever told me anything about it. My own opinion about it would be, that they were worth a million of dollars at that time. I never heard Mr. Baker or any one else say how much they were worth.

33. Question. Can you state how much the net profits of the Society were, during any of the years that you were engaged in the store?

Answer. I cannot.

34. Question. Were you in the habit of assisting in the keeping of the account-books in the store?

Answer. I generally was.

35. Question. Could you, or any other accountant, now ascertain from the manner in which the accounts were kept, by an examination of the books, how much the net profits of that Society were during any year prior to your leaving the Society?

Answer. I think not.

36. Question. Was there an account kept showing the net profits of the store, for instance?

Answer. No, there never was.

37. Question. Were there other sales made, such as stock, and the like, of which no account was taken?

Answer. There was no account of such transactions kept in the store.

38. Question. State whether or not the Society accounts were kept at the store, or was it the place where accounts were kept?

Answer. The accounts with the families and trades were generally kept at the store. The books of the store were kept there.

39. Question. Why is it, that in your opinion an accountant could not now ascertain the net profits of the Society in any previous given year?

Answer. The books were never kept regularly as they would be in a partnership concern, so as to show the balance of each year.

40. Question. Have you any knowledge as to who made the investments for the Society, during the period of your membership?

Answer. I never knew of any person making them except Frederick Rapp.

41. Question. Was there any system of book-keeping used in the store, from which it could be ascertained what sum of money had been paid to Frederick Rapp during any given year?

Answer. I think not.

(Defendants' counsel excepts to the foregoing questions and answers, except those which relate to the valuation of the real estate at Economy, for irrelevancy, incompetency, and not coming within the inquiries directed to the Master by the decree of the Court.)

Cross-examined by Defendants' Counsel.

1. Question. Are you acquainted with the lines and location of the lands owned by the Economy Society in 1846?

Answer. I was acquainted with it when I lived there. I once went all round the premises. I am pretty well acquainted with them.

2. Question. What portion of the land owned by the Society at that time, at Economy, was cleared? (1846.)

Answer. There might be pretty near one-half.

3. Question. What year, and at what season of the year, did you go round the lines?

Answer. I think in 1826 or 1828, Frederick Rapp and I went round and marked the lines, in the summer time.

4. Question. Was not a large portion of the uncleared land hilly and broken?

Answer. It was.

5. Question. Do you think the uncleared land was worth in 1846, more than $10 per acre, in cash; and if so, how much more?

Answer. Yes. I think it would be worth from $20 to $25 per acre.

6. Question. Do you think the whole track was worth more than $40 per acre, in cash, exclusive of the buildings?

Answer. I think it would be worth between $45 and $50 per acre. I would value it at that.

7. Question. Did Mr. Shiras purchase his place for farming purposes, or for a country seat?

Answer. I think for both.

8. Question. Do you think the building at Economy cost, or would have cost in cash, the sums which you have stated?

Answer. I think they would have cost rather more. I think I have valued rather below the cost.

9. Question. When were these buildings erected?

Answer. They were erected from 1824 to '29 and '30. The better buildings were put up last.

10. Question. In 1846 had new roofs been put on these buildings after their erection.

Answer. There might have been some. I could not tell.

11. Question. How long do such roofs generally last?

Answer. From twenty to twenty-two years. I should think.

12. Question. Had they been repainted previous to 1846?

Answer. I could not say.

13. Question. In how many of these houses have you been since 1832?

Answer. Probably in five or six.

14. Question. Have you examined them particularly since you left there in 1832?

Answer. I did not.

15. Question. What per cent. in value do you suppose those buildings would be depreciated in the course of twenty years, by wear and tear and natural decay?

Answer. Some twenty-five or thirty per cent.

16. Questioa. Have not a great many of these buildings remained unoccupied for the last ten or twenty years?

Answer. Yes. I think one-third.

17. Question. When unoccupied, do they not go very rapidly to decay, unless great care be taken of them?

Answer. They do.

18. Question. Were there not, in 1846, in your opinion, one-third more dwelling-houses at Economy than were required for the residences of the then members of the Society?

Answer. Yes, sir, there were.

19. Question. Were there not, previous to 1846, several manufacturing establishments, and barns containing grain, burned at Economy?

Answer. There were. Part of the cotton factory, containing stock and machinery; a barn, containing a threshing machine, and there was reported to be grain in it. I was not there at the time.

20. Question. What has been your employment since you left Economy?

Answer. I have been keeping store.

21. Question. Was not the price of government lands, at the time the Society purchased on the Wabash, in 1814, '15, and '16, two dollars per acre?

Answer. I expect it was. I was under the impression it was the present price, when I gave my former answer.

22. Question. In the aggregate sum of $140,000 or $150,000, which you understood the Wabash property was sold for, was there not some $30,000 of personal property, such as cattle, stock in the store, and mechanic's shops and machinery included?

Answer. There was some personal property included. I do not know the amount.

23. Question. Did the Society, in June, 1819, own any stocks in banks, or other corporations, and if so, what?

Answer. I do not know of any.

24. Question. Did the Society own any such stocks when they left the Wabash, in 1824 and 1825?

Answer. I never knew of their owning any.

25. Question. Do you know what amount of money the Society had in June, 1819?

Answer. No.

26. Question. Do you know the value of goods in the store in 1818, June?

Answer. No. I was a schoolboy at that time.

27. Question. Do you know, or can you form any opinion, of the value, in June, 1819, of the cattle, grain, liquors, wool, woollen and cotton goods, and farming utensils, or other personal property owned by the Society?

Answer. I cannot.

28. Question. Do you know what amount of money the Society had when they left the Wabash, in 1824 and 1825.

Answer. No. I could not form any opinion. I have been calculating since last evening, and would reduce the amount spoken of as the value of the property of the Society when they left the Wabash, to half a million instead of one million, as before spoken of.

29. Question. Do you know, or can you form an opinion, in 1824 and 1825, when the Society left the Wabash, of the value of their cattle?

Answer. I cannot.

30. Question. Can you of the grain or liquors?

Answer. No.

31. Question. Can you of the wool or woollen goods?

Answer. No.

32. Can you of the cotton or cotton goods?

Answer. No.

33. Question. Can you of the farming utensils, or other personal property?

Answer. No.

Re-examined by Complainant's Counsel.

1. Question. Upon what do you predicate your opinion as to the value of the property owned by the Society, when they left the Wabash?

Answer. From the amount they got for the property, $150,000. I made an estimate of the money, and according to that, I could not think that they could have much more than that, $5 or $600,000.

2. Question. Do you think that you were sufficiently acquainted with the property of the Society when you left the Wabash, to form an estimate of its value?

Answer. I was not well enough acquainted with the property of the Society to form a correct estimate at that time, because there were no books kept in which I could see it. It is altogether guess-work, because the money transactions were altogether done with Frederick Rapp, and were kept rather secret from the Society.

PHILIP BENTEL.

Wednesday, August 24, 1853.

Pursuant to adjournment, I attended at my office, and the parties being present, T. Umbstaetter, Esq., for complainant, and Messrs. Loomis and M'Candless for respondents. The following witnesses were then produced on the part of the respondents, and having been duly sworn, as the law directs, did testify as follows, viz.:

Marmaduke Wilson, sworn. 1. Question. Where do you reside?

Answer. In Beaver, Beaver County.

2. Question. Have you ever been a hatter, and if so, how long?

Answer. I have been a hatter. I followed that business from 1831 to 1849.

3. Question. Where did you follow hatting?

Answer. I learned my trade in Mercer Co., Pa., and I worked at it in Pennsylvania and Ohio.

4. Question. Are you acquainted at Economy, and if so, how long?

Answer. I am; I have been acquainted there since 1838.

5. Question. Are you acquainted with the complainant, J. Nachtrieb?

Answer. Yes, sir.

6. Question. How long have you been acquainted with him?

Answer. For about twelve or thirteen years.

7. Question. Have you ever seen him at work at the hatter shop at Economy?

Answer. Yes, sir.

8. Question. Frequently, or otherwise?

Answer. Not very frequently.

9. Question. How often do you think?

Answer. Some two or three times.

10. Question. What kind of work was generally done in the hatter shop in Economy, while complainant was there, so far as you know the same?

Answer. The common quality of work, I should judge was principally of wool.

11. Question. What would you think the complainant's services in the hatter shop worth to the Society, per annum, the Society furnishing him board, lodging, clothing, washing, and other necessaries?

Answer. About $125 per year.

12. Question. Did you know George Conselman, a hatter, who once lived at Economy?

Answer. I did not.

13. Question. Where were you raised?

Answer. In what is now Lawrence Co., about six miles above New Castle.

14. Question. Was your father a farmer?

Answer. Yes, sir, he was.

15. Question. Please state whether, from 1819 to 1827 or 1828, he employed men to drive team or do other farming work, and if so, what he generally paid good hands per annum, for such services?

Answer. The principal hiring was for harvest work. We hired considerably during harvest.

16. Question. What did he generally pay per day for good hands for work in harvest?

Answer. He paid them 50 cents per day at that time and boarded them. This was from 1819 to 1826, when I went to a trade.

17. Question. Do you know of any of the neighboring farmers employing men to drive team and do other farming work, and if so, what did they pay them for such services per annum?

Answer. The wages paid to them, was from $8 to $10 per month, depending upon the ability of the hands, the employer boarding and lodging them.

18. Question. Were good hands obtained for these prices?

Answer. Yes, sir.

19. Question. Did such hands usually do as much as persons at Economy in similar employments?

Answer. They did, so far as I am acquainted.

20. Question. What portion of your life have you resided in Beaver County?

Answer. From 1835 to the present time, and before that in Lawrence and Mercer Counties.

21. Question. How long have you resided in the town of Beaver, Beaver County?

Answer. About eighteen years.

22. Question. Are you Post Master at Beaver?

Answer. I am not.

23. Question. Have you been?

Answer. Yes, sir.

24. Question. When?

Answer. From the spring of 1849 to the summer of 1853.

25. Question. Have you been acquainted with the Economy Society since your residence in Beaver?

Answer. Yes, sir.

26. Question. What has been the reputation of the members of that Society for industry, propriety of conduct, and obedience to the Laws?

(Complainant's counsel excepts to the latter part of this interrogatory.)

Answer. It has been good.

27. Question. Are you acquainted with R. L. Baker, one of the Trustees of the Society, and if so, how long?

Answer. Ever since I have been in the country. I have become more so as time advanced.

28. Question. What is and has been his reputation for integrity and veracity?

(Complainant's counsel excepts to this question, as irrelevant, being an inquiry with which the Master has nothing to do, until the character of Mr. Baker is called into question.)

Answer. Irreproachable.

29. Question. Did you know Frederick Rapp, who died in 1834?

Answer. I did not.

Cross-examined by Complainant's Counsel.

1. Question. What is your age?

Answer. I am 43 years; going on 44.

2. Question. What business have you followed since 1849?

Answer. Postmaster from 1849, to June 30th, 1853, and since that time, farmer.

3. Question. How long did you work at the hatting business as a journeyman?

Answer. In the neighborhood of three years.

4. Question. What years?

Answer. From 1833 to 1835.

5. Question. Where?

Answer. In the western part of Pennsylvania, and the northeastern part of Ohio. In Mercer and Beaver Counties principally, in Pa., and in Ashtabula County, Ohio.

6. Question. What was the customary wages paid in those years to a journeyman hatter per week?

Answer. Regular journeyman hatters were not paid by the week, as a general thing.

7. Question. They worked by the piece, did they not?

Answer. They did.

8. Question. How much could a journeyman hatter, working by the piece, averaging 11 or 12 hours per day, and being otherwise industrious, earn per week at that business?

Answer. In those places where I worked, they would make from three to six dollars per week, depending entirely on the kind of work.

9. Question. Supposing a journeyman hatter to be capable of acting as foreman or boss of a shop in which four or five hands, the year round, were employed, would you suppose him to be entitled to

a higher compensation than that which you have fixed in your examination in chief, to wit, $125.

Answer. I do not know that I could in a country place; it might be more in the city.

10. Question. Do you know the extent to which the hatting business was carried on in Economy, during the twenty years preceding 1846?

Answer. From 1838 to the time Nachtrieb went away, there was but one hand employed besides himself.

11. Question. How often did you see him in the hatter's shop, between 1838 and 1846?

Answer. Some three or four times.

12. Question. Were you at Economy oftener than three or four times during that period?

Answer. Yes, sir.

13. Question. How often?

Answer. I would say once a year; but I did not see Nachtrieb every time I was there.

14. Question. In your estimate of $125, as the value of complainant's services in the hatter's shop, what allowance do you make for board, lodging, clothing, washing and other necessaries, per annum?

Answer. My own boarding cost me from $1.50 to $2 per week; my clothing cost about $100 per year. I was hard on clothing; washing and incidental expenses, about $25 per year.

15. Question. What, in your opinion, would have been a fair and reasonable compensation for the complainant's services in the hatter's shop, supposing him to have found himself in all things?

Answer. That would depend much on the kind of labor he was performing. It would be worth at coarse work, making wool hats, &c., some three or four dollars per week. That is as much as I could make at that kind of work. There are other kinds of work that he could make more, such as fine hats—and they make some fine work at Economy; I saw them work at it there. I should have said, that at fine work he could have made from four to six dollars per week, and find himself; that is, by the piece. I mean a journeyman could make that.

16. Question. Did you ever work in a shop at Economy, while Nachtrieb was there?

Answer. I did not.

17. Question. Do you know how many hats and what kind of hats were manufactured there per month?

Answer. I do not know how many were made. I know what kind were generally made.

18. Question. Were they used in the Society, or were any made for sale?

Answer. There were both; some used in the Society and some sold.

19. Question. Were you acquainted with the Economy Society

when they lived in Butler County, in this State, and the kind of services rendered by the complainant to the Society while there?

Answer. I was not.

20. Question. Were you acquainted with the Society during the time they lived in Indiana, and do you know the value of the services the complainant then rendered?

Answer. No, sir.

21. Question. Do you know anything with regard to complainant's services while at Economy, excepting the knowledge you derived from visiting him in the hatter's shop, as you have before stated?

Answer. I do not.

22. Question. Has wages generally increased, since the time when you say that your father paid hands fifty cents per day during harvest, and boarded them?

Answer. They have increased from fifty to seventy-five cents and one dollar per day; by the month they have not increased so much.

23. Question. Were not the years during which you worked as a journeyman hatter, years of great monetary and consequent business depression?

Answer. They were not. The pressure commenced in 1837.

24. Question. What were journeymen hatters' wages in 1837, after the pressure had commenced?

Answer. It had less effect upon the journeymen than upon the employers, so far as prices were concerned.

25. Question. Were you acquainted with the Economy Society, or any of its members, in 1826?

Answer. Only by sight, and having been once in the tavern. I was not intimately acquainted with their business.

(The witness wishes to say, in justice to all parties, that his estimate is from his own experience as a journeyman hatter, having worked one year in one place, and that he saved $125, after paying all expenses.)

M. WILSON.

David Ramsay, sworn. 1. Question. Where do you reside?

Answer. In Rochester, Beaver County.

2. Question. How long have you resided in Beaver County?

Answer. All my life in Beaver County, except twelve years.

3. Question. Have you been a hatter?

Answer. Yes.

4. Question. How long have you followed the hatting business?

Answer. About 13 years, after I served my apprenticeship.

5. Question. How long were you an apprentice?

Answer. Three years and six months.

6. Question. Do you follow the hatting business now?

Answer. No.

7. Question. How long since you quit it?

Answer. I think I quit in 1835.

8. Question. Where did you work at the business?

Answer. In Beaver Town, Beaver County, principally.

9. Question. Were you ever in the hatter's shop in Economy, whilst the complainant, Nachtrieb, was there?

Answer. I have been in the shop, probably, whilst he was there, but was not personally acquainted with him.

10. Question. What kind of work (common or fine) was generally done in the shop?

Answer. They were generally engaged on merino wool hats.

11. Question. What do you think the services of the complainant in that shop and business would be worth to the Society, per annum, the Society boarding, clothing, washing, and finding all other necessaries for him?

Answer. A good hand, capable of doing all kinds of work, would be worth from $150 to $200 per annum, the Society finding as above; employed on coarse work, the services would be worth from $125 to $150 per annum.

12. Question. Do you know George Causelman, who formerly worked at Economy, at the hatting business?

Answer. Yes.

13. Question. Did you work with him in the same shop?

Answer. He worked for me a short time after he left the Society. I paid him twenty-eight cents apiece for fine wool hats, and he averaged about three per day. He found himself in boarding.

14. Question. Do you know whether Causelman was foreman of the shop at Economy before he left?

Answer. I believe he was.

15. Question. What time did he leave Economy?

Answer. My impression is, it was in 1832; I have no data to go by.

16. Question. How many persons were employed in the hatter's shop at Economy?

Answer. I have been there, when there was four, and, sometimes, only two.

17. Question. At what age did you go at the hatting business?

Answer. At 17 years, or thereabouts.

18. Question. Previous to that were, you raised on a farm?

Answer. Yes.

19. Question. What did farmers generally pay good hands for driving team, and other work on a farm, per annum, the farmer finding board, washing, and lodging, from 1819 to 1828?

Answer. From my own knowledge I could not say, after I went to the hatting business. My knowledge is small. I could not say I had a good opportunity of knowing. My father paid, in the thronged season of the year, about 50 cents per day.

20. Question. How long have you been acquainted with the Harmony Society?

Answer. For 20 or 25 years.

21. Question. What has been the reputation of its members, for propriety of conduct, and submission and obedience to the laws?

Answer. Good.

22. Question. Do you know R. L. Baker, and how long?

Answer. Yes; I have been personally acquainted with him for 15 years.

23. Question. What is and has been his reputation for integrity and veracity?

Answer. Good.

Adjourned to meet at 2 o'clock, P. M.

Wednesday, Aug. 24, 2 o'clock, P. M.

Parties met. Present as in the forenoon.

24. Question. Since the settlement of the Society in Beaver County, in the years 1824 and 1825, has any member of that Society been prosecuted, or convicted of any offence whatever, against the laws?

Answer. Not to my knowledge.

25. Question. How many years have you resided in Beaver Town, the county-seat of Beaver County, since 1825?

Answer. I resided in Beaver Town, the county-seat of Beaver County, seven years; have resided within the vicinity most of the time ever since.

26. Question. Did you ever hear of any such prosecution or conviction?

Answer. No.

Cross-examinedby Complainant's Counsel.

1. Question. Did you ever hear the complaint accused of, or charged with, any kind of offence?

Answer. I never did.

2. Question. What business have you followed since 1835?

Answer. I was probably five years on a farm, and since that I have been engaged in different occupations. I never myself resumed the hatting business.

3. Question. You never worked with the complainant?

Answer. No.

4. Question. Were you intimately acquainted with the hatting business carried on at Economy?

Answer. No; only from occasionally being in the shop and dealing with them.

5. Question. You speak of merino wool being used in the shop at Economy; for what kinds of hats is that wool used, the most common, the finest, or the medium class?

Answer. The medium class.

6. Question. Supposing a man to be thoroughly conversant with the business of manufacturing hats, would he, in your opinion, be entitled to a higher rate of compensation, if he was the foreman or boss of a shop, superintending its business and assisting in the business, than a mere journeyman?

Answer. Yes; there was a trust imposed on him which would entitle him to more than one who had not the charge.

7. Question. How much ought a good hatter to be able to make, working on an average 11 or 12 hours per day, during the period you speak of, provided he found himself?

Answer. Previous to the introduction of water-proof hats, the wages of hatters were very low; after the introduction of water-proof hats, the wages of those who understood that branch of the business was higher, the old stock not understanding it. Water-proof hats were not manufactured in our county till 1828 or 1829. Those engaged on the water-proof hats would earn from 25 to 31 cents per day more than those working on wool, when water-proof was not applied.

8. Question. Do you wish to be understood as saying that water-proof hats were not manufactured at Economy during the complainant's time?

Answer. I do not.

9. Question. Do you know how hatters' wages have been since 1835?

Answer. No.

10. Question. Supposing a man to work on a farm the year round, in which capacity would his labor be most profitable to himself—would it be in working by the day or month, or for himself, cultivating his own ground?

Answer. That would depend in a good measure on his capacity to manage; without capital, he would make most by being hired at fair wages; with means to carry it on, he would do better working for himself.

11. Question. How many acres of land can a man, in your opinion, cultivate advantageously, supposing the land to be of an average character for productiveness?

Answer. From five to ten in gardening, and from twenty-five to thirty in the common agricultural mode.

12. Question. With industry and reasonable luck, do you not think that a man could accumulate more by farming twenty-five or thirty acres of his own land, than he could by working for wages all the year round?

Answer. He could, with the means of doing it, and a capacity to do it.

13. Question. Do you know whether it was left optional with the complainant to manufacture such hats as he chose at Economy, or whether he was governed by others, and the demand of the trade?

Answer. I do not know of my own knowledge.

D. RAMSEY.

Zeno Schnabel, sworn.—1. Question. Where do you reside?

Answer. At Freedom, Beaver County.

2. Have you ever followed the hatting business, and if so, how long?

Answer. I served my time in Indiana, on the Wabash, to the hatter trade, before we come to Economy. I worked at it all along from that time to 1841.

3. Are you acquainted with the complainant, and if so, how long?

Answer. I knew him ever since I mind anything.

4. Did you ever work with him at the hatter shop at Economy, and if so, how long?

Answer. Yes. I did from the time he commenced till 1831.

5. Who was boss in the shop during that time?

Answer. The complainant, during the time I was there, that is, from 1828 to I left.

6. How many were employed in the shop during the time you were there?

Answer. In the first place there were five, and four when I left.

7. Do you know how many were employed afterwards?

Answer. Shortly afterwards all left the shop but Nachtrieb and another man.

8. What kind of work was generally done in the shop? coarse or fine?

Answer. All sorts of work; generally wool.

9. How long does it require to learn the hatter trade?

Answer. I served three years.

10. In the kind of work that was done in that shop, what do you think the complainant's services were worth a year to the Society, the Society finding him boarding, clothing, and lodging, and all other necessaries?

I suppose $125 or $130.

Cross-examined by Complainant's Counsel.

1. Question. Were you formerly a member of the Society?

Answer. Yes, sir.

2. When did you become and when did you cease to be a member?

Answer. I become a member when I became twenty-one years of age. I think that was in the year 1828; I left in 1831.

3. Have you not been in the Society since 1831?

Answer. I have not.

4. Where did you work at the hatter business after 1831?

Answer. I worked in Birmingham, six months for myself, and

then went to Freedom, and set up there for myself, and worked between seven and eight years at that place, and then I quit altogether.

5. If I understood you rightly, you only worked with Nachtrieb for about three years, that is, from 1828 to 1831? Am I correct?

Answer. Yes, sir.

6. Do you think that $125 or $130 per annum, was all that Nachtrieb earned during these three years?

Answer. Yes, sir.

7. Are you acquainted with the wages of journeymen hatters after the year 1831?

Answer. I am not. I kept no journeymen myself. I never kept any journeymen, and I always worked for myself. I never worked journeywork.

8. You say that all sorts of work was done at that shop? State who directed the work, that is to say, who gave orders what kind of hats should be made?

Answer. From time to time the orders were brought from the store, and the foreman then gave orders what should be made. George Curtz was the biggest part of my time foreman. After he was discharged we finished monthly. We were young, and they put Nachtrieb there to watch us.

9. Were there not different qualities of hats made while you were there?

Answer. Yes, sir. We made fur hats, merino hats, and common wool hats.

Questions by Respondent's Counsel.

1. Question. Is a person learning the hatter trade worth more than keeping during the time he is learning the trade?

Answer. I think not.

2. When you say you think the services of Nachtrieb were worth $125 to $130 a year to the Society, do you mean after he had learned his trade?

Answer. Yes, after he had learned his trade.

3. Were you in the hatter shop at Economy occasionally after you left in the year 1831?

Answer. Yes, sir, I was.

ZENO SCHNABEL.

John Shively, sworn. 1. Question. Where do you reside, and how long have you resided there?

Answer. In Beaver Town, Beaver County, 25 years, and two years near Economy.

2. Have you followed the hatting business, and if so how long?

Answer. I have followed it since the year 1813. I learned my trade with General Patchell of Pittsburgh.

3. Are you acquainted with the complainant, and if so, how long?

Answer. I have been acquainted with him 14 or 15 years.

4. Have you been in the hatter shop at Economy?

Answer. Frequently.

5. What kind of work has generally been done there?

Answer. In the year 1826 Mr. Curtz was foreman, and I used to deal some with him. I think the kind of hats was chiefly wool hats and merino hats, some castor hats. After Curtz left, the complainant was the man who attended to the shop, and the same sort of work was done as before.

6. What do you think in the kind of work done in that shop the services of the complainant would be worth a year to the Society, the Society finding him in boarding, clothing, lodging, washing, and all other necessaries?

Answer. This is a pretty hard question. I do not know how many hours he worked per day. A hatter working one hour later may make 25 cents per day more. I could not afford to give a man, employed on coarse work, more than 10 or 12 dollars per month, and find him boarding, washing, and lodging (not clothing).

7. Do you know how many hands were generally employed in the shop at Economy, during the time you saw the complainant employed there?

Answer. I was there and asked the complainant, and he said there were two or three. I do not say whether it was with himself, or exclusive of himself. This was about 10 years ago.

8. Do you know what farmers generally paid good hands, employed in driving team and other farming business, per year, from 1819 to 1828, the employer finding them boarding, washing, and lodging?

Answer. I had some brothers who employed such hands, and they paid from 80 to 90 dollars for good hands. Some of my neighbors paid the same to their hands.

9. How long have you been acquainted with the Economy Society?

Answer. About 27 years.

10. How far did you live from Economy during the two years you mentioned?

Answer. 2½ miles.

11. State whether you frequently saw the Society at work during that period?

Answer. Not so much so as afterwards.

12. Do you think the Economites labored more hours per day or harder than hands generally employed in farming and driving team?

Answer. I could say they appeared busy.

13. What has been the reputation of the members of that Society, since you have known them, for peace, propriety of conduct, and submission and obedience to the laws?

Answer. Very good, as far as I know.

14. How long have you been acquainted with R. L. Baker?

Answer. 27 years.

15. What is and has been his reputation for integrity, honesty, and veracity?

Answer. Good, as far as I know.

16. State whether the Society has improved its lands well?

Answer. Yes, sir.

17. Has any member of that Society, since you become acquainted with it, been convicted or prosecuted for a violation of the laws?

Answer. Not as I know.

(Complainant's counsel objects to the preceding and last three questions and answers, on the ground that neither the character or reputation of the Society, nor that of R. L. Baker, has anything to do with the present inquiry, and, therefore, all the testimony relating thereto does not come within the purview of this investigation and is totally irrelevant.)

Cross-examined by Complainant's Counsel.

1. Question. How long were you engaged as a journeyman hatter?

Answer. I think about seven years, from 1818 to 1825, or thereabouts.

2. When you ceased working as a journeyman, did you commence working on your own account?

Answer. Yes, I went into partnership.

3. How long did you continue at the hatting business?

Answer. I worked one year and found I could make more at journeywork, and then went back to it. Then I began business to my own hand, and have been engaged in the hat business ever since. For the last five years I have been selling.

4. How much were you able to earn as a journeyman in the hat business?

Answer. I worked very hard, late and early, and I made a good deal of money working journeywork. I got into first rate shops. Before I got into the good shops I got very low wages. I got very good wages after that. I got 400 dollars a year, finding myself in everything, I think in 1823 or 1824 in Cincinnati, working three years for one man at the same wages.

5. After that time did hatters' wages advance or decline?

Answer. I expect they were about the same. I got sick and was advised to leave Cincinnati.

6. Have you resided in Beaver County ever since?

Answer. Yes.

7. Is not a man who understands the hatting business thoroughly, and acting as foreman or boss of a shop employing three or four

hands, entitled to higher wages, in your opinion, than a mere journeyman would be?

Answer. Yes, sir. If he is qualified for the fine work, a man who is qualified for a foreman, is entitled to more than a man in the back-shop.

8. State whether in your opinion nine dollars per week would be unreasonable wages for a hatter who was competent to carry on a shop, to work himself and superintend others in working and manufacturing such work as was necessary for any given market, he finding himself in everything?

Answer. It would not be unreasonable in any good place of business. In Cincinnati I could have got it, but I preferred staying on the farm near Economy. The gentleman who I worked with, wrote to me he would give me that, but no man could give that in a common place carrying on the hatting.

9. Are there not many articles that can be procured at a cheaper rate in the country, a short distance from the city, than in the city itself?

Answer. I think not. I had to pay higher. I could buy cheaper at the head of the market than elsewhere.

10. How far is Economy from Pittsburgh?

Answer. About 18 miles.

11. Can a hatter not make as much profit on a medium quality of hats, such as merino and the like, as he can on a fine quality, as a general thing?

Answer. No, sir. Merino hats are generally worn by the farmers, and they will not pay a high price. In making a castor hat we had as much profit as on a dozen of merino hats, in a general way.

12. How many hours did the complainant average per day, while he worked at Economy?

Answer. I do not know.

13. Does not the question of wages and earnings somewhat depend upon the number of hours a man may work?

Answer. Yes, sir.

14. How many hours of labor was considered a fair day's work, say from 1830 to 1846?

Answer. A journeyman used to work from sun to sun in the summer time, and in the winter until 8 o'clock at night.

15. What business did you do when you got 400 dollars per year at Cincinnati?

Answer. I attended to the back shop and front shop all I could. We had nine apprentices, and I taught them, and I think there was from three to five journeymen. I acted as boss.

Re-examined by Defendants' Counsel.

1. Question. Was there fine work done in that shop during the time you received 400 dollars per year?

Answer. All fine work.

2. Were the hats manufactured there retailed at the shop?
Answer. Yes.
3. Were the manufacture and sales large?
Answer. Yes, sir.
4. What amount did you clear per annum after deducting all your expenses?
Answer. I could not say. I never kept an account of my funds.
5. Did you save, do you think, $200 per annum, after deducting all expenses?
Answer. I cleared, in seven or eight years. 1,550 dollars. During part of the time I had some privileges, by which I cleared some money by trades which I made.

Questions by Complainant's Counsel.

1. Question. What did you pay for boarding per week?
Answer. $1.50 per week. We had very good board at a common house.
2. What kind of clothes did you wear?
Answer. I was a Dutchman, and wore just middling clothes.
3. What did clothing cost you per year?
Answer. I think about 35 dollars. I had facilities for getting my clothing cheap.

JOHN SHIVELEY.

Adjourned to meet at 9 o'clock to-morrow morning.

Thursday, August 25th, 1853.

Parties met pursuant to adjournment. Present, T. Umbstaetter, Esq., for complainant, and Messrs. Loomis and McCandless for respondents.

John Neeley, sworn. 1. Question. Where do you reside?
Answer. In Economy Township, Beaver County.
2. How long have you resided there?
Answer. Since the 26th day of March, 1820.
3. Is the town of Economy in Economy township?
Answer. It is in what was Economy township. It is now divided.
4. How far do you reside from Economy?
Answer. About 3½ miles.
5. What has been your occupation since you lived there?
Answer. Principally a farmer; a justice of the peace part of the time.
6. From 1820 to 1828 what was the farmers in that vicinity usually paying good hands for driving team and working on the farms per year, the employer finding board, washing, and lodging?
Answer. From $8 to $12 dollars per month.
7. Did the people of Economy usually work harder or more hours per day than the neighboring farmers and the hands in their employ?

Answer. I consider they did not work so hard in a general way, but they worked steadier.

8. What would you estimate the expense of clothing per year, for a man employed in driving a team and working on a farm?

Answer. Some place between $20 and $25 dollars.

9. Have you been frequently at Economy?

Answer. I have.

10. What has been the conduct of the Economites for peace, propriety of conduct, and submission to the laws?

Answer. Good.

11. Do they intermeddle at all in the business or affairs of their neighbors?

Answer. Not at all.

12. Have they been industrious generally?

Answer. Yes, so far as I know.

13. Were you acquainted with George Rapp in his lifetime?

Answer. I had a slight acquaintance with him, not very much.

14. What was his reputation for integrity and veracity?

Answer. Good as far as I know.

15. Were you acquainted with Frederick Rapp in his lifetime?

Answer. I was more than with George Rapp.

16. What was his reputation for truth and veracity?

Answer. I never heard it impeached.

17. Were you acquainted with the lands of the Economy Society in 1846.

Answer. I was, considerably; the road from Economy to my place passed through their lands.

18. Please state what was the value of those lands in cash in June, 1846, per acre, without the buildings?

Answer. I would consider it to be worth about $45 per acre.

19. What would the timber land be worth per acre?

Answer. Between $10 and $12 per acre.

20. What the cleared land independent of buildings?

Answer. I would take the hill side pasture land at $25 per acre.

21. What would you consider the bottom land worth per acre?

Answer. From $30 to $35 per acre.

22. How much the second bottom?

Answer. Between $60 and $65 per acre.

(Complainant's counsel excepts to all that part of the foregoing examination which relates to the character of the Economy Society, or any particular member thereof, for integrity, truth, and veracity, the same being irrelevant and not having anything to do with the present inquiry.)

Cross-examined by Complainant's Counsel.

1. Question. Did you know the complainant while he was a member of the Society?

Answer. I did.

2. Was he not as industrious and peace-loving, and as submissive to the laws of his country, as any other member?

Answer. He was.

3. Did you not frequently see him?

Answer. I saw him frequently; he was supervisor frequently, and deputy clerk at elections.

4. What are the Economy lands worth now on an average?

Answer. I do not consider them worth any more, not so much as in 1846, the railroad having passed through them. I consider that the rail road does not raise the value of the whole of the Economy lands; it runs through the bottom and cuts it so that it cannot be fenced.

5. By saying that the Economites worked steadier, do you mean they worked more constantly than the neighbors?

Answer. Yes, sir; they worked slow, but steady; they worked early and come home early in the evening—the teamsters.

6. How was the work done by the Society in the earlier years of its existence, say from 1824 to 1830, as compared with the subsequent period—was it not much harder?

Answer. I was not so frequently there then; I lived a greater distance from them, say six miles; saw them but two or three times a year during that period, but knew enough to say they worked harder in consequence of the land being new, and the buildings going on.

7. Did not the agricultural labor become easier year by year, as the Society grew older?

Answer. Yes, sir; when the stumps and roots worked out.

8. What, in your opinion, was or is the size of a house in which the members of the Society lived at Economy?

Answer. I was Assessor, and valued the bricks at $300, the frames at $150, and the one story frames at $75; they are different sizes; I do not know the exact size.

9. Could such a brick house as you say was assessed at $300, have been built and finished at that price?

Answer. I think it could; it was my impression when I assessed it at that.

10. Did George Rapp live in one of these houses?

Answer. No, sir.

11. What kind of a house did he live in?

Answer. A large brick house.

12. What was his house assessed at?

Answer. I disremember; it is fifteen or eighteen years since I was Assessor.

13. Were the members of the Society allowed to marry?

(Defendants' counsel excepts to this question as irrelevant, the in-

quiry submitted to the Master not having any connection with it, whereupon the complainant's counsel withdraws the question.)

JOHN NEELEY.

(After signing his testimony, the witness desires to explain by saying that the value of the whole body of the Economy lands he considers worth at from $30 to $35 per acre, instead of $45, as he before stated.

(Whereupon the complainant's counsel cross-examined further, as follows:)

14. How did you change your mind on this subject—have you conversed with any one since the examination?

Answer. I spoke to Mr. Buckley on the subject, and he stated that $40 or $45 would not meet my calculations in the four different ways I have valued the lands, and that is the way I came to ascertain an unintentional error made by me.

15. Did you tell Mr. Baker, when he subpœnaed you, what you would swear as the value of the Economy lands?

Answer. I did not.

16. In your opinion, then, the whole of the Economy lands were not worth, in 1846, nor are they worth now, more than $30 or $35 per acre?

Answer. It is my opinion, and I have doubts whether they could get that.

17. Do you know how many acres of low bottom land they owned in 1846—how many second bottom, and how many of wood land?

Answer. I do not.

18. Do you know what proportion of their lands was cleared in 1846?

Answer. I do not? there was a large body of cleared land.

19. How much, in your opinion, is the cleared bottom land worth per acre?

Answer. About $30; I could not tell how much; I think there is over 200 acres subject to overflowing.

20. What is the second bottom land worth per acre?

Answer. $60 or $65 per acre.

21. How much the wood land?

Answer. From $10 to $12 per acre.

22. Do you know when Wm. C. Dunn sold the land which he had bought from the Society, and how much he sold it for?

(Excepted to by defendants' counsel, because it appears by the testimony already given, that long after 1846, Dunn purchased from the Economites, and because it is not cross-examination.)

Answer. I do not know myself.

23. Wherein does the damage consist which the Ohio and Penna. Railroad has done to the Economy lands?

Answer. By the railroad running through and leaving strips

between the railroad and the river, and between the railroad and a steep bluff of a hill from French Point to Hill's line.

24. How many acres in your opinion are there between the railroad and the river?

Answer. I am not able to tell how many acres; I would think there was a hundred or over.

25. What was that body of land worth per acre prior to the construction of the railroad, and what is it worth subsequent thereto?

Answer. I consider what was above the village worth from $30 to $35 per acre, and I consider that worth the same still; from French Point to Hill's line I would consider not worth fencing; I would not take it for fencing it.

26. How many acres do you suppose between French Point and Hill's line, of the land you speak of?

Answer. I would suppose there were between fifteen and thirty acres.

27. When was the railroad built?

Answer. Between two and three years back; probably four years since it was commenced.

28. Do you not consider that the construction of said railroad has had a beneficial effect upon all the other lands of the Society, by bringing them in closer proximity with Pittsburgh, and facilitating the access to market?

Answer. I believe it is a benefit to the Society, but an injury to every farm it goes through; there is a station at Economy.

JOHN NEELEY.

James Irons, sworn. 1. Question. Where do you reside?

Answer. In Hopewell Township, Butler County.

2. How far from Economy?

Answer. I live nearly opposite Economy, on the bank of the river.

3. How long have you resided there?

Answer. In that neighborhood since 1829.

4. Where did you reside previous to that?

Answer. Within three miles of Economy since 1808.

5. What has been your principal employment since 1808?

Answer. Until 1822 or 1823 a farmer.

6. What did farmers in that neighborhood, from 1819 to 1828, generally pay good hands per annum for driving team and farming work, the employer boarding, washing, and lodging them?

Answer. About $70 $85.

7. Did the neighboring farmers and their hands generally do as much work in a day, month, or year, as the Economites, engaged in similar employment?

Answer. I think they did.

8. Were you at Economy frequently?

Answer. Yes, sir.

9. Had you opportunities of seeing how they worked?

Answer. I had.

10. Were you acquainted with the lands owned by the Economy Society in June, 1846?

Answer. I was.

11. Have you been frequently over them?

Answer. I have.

12. What in your opinion were the lands worth per acre, independent of the buildings, in June, 1846?

Answer. From $35 to $40 per acre.

13. What do you think the buildings were worth in June, 1846?

Answer. About $70,000, the buildings alone.

14. Were you ever in the hatters' shop at Economy, whilst the complainant was there?

Answer. I was frequently.

15. Were you acquainted with him?

Answer. I was.

16. Do you know anything about the character of his work, and his reputation as a hatter?

Answer. I am not a hatter, but formed the opinion he was a good honest workman. Not of the finest work.

17. Did he make any remarks about the quality of his work?

Answer. I wanted a fashionable hat, and he said they were not in the habit of furnishing the most fashionable style.

18. How many were generally employed in the hatters' shop for eight or ten years previous to 1846?

Answer. I do not remember of seeing more than three or four.

19. Did the Economites generally work as hard as the neighboring farmers and their hands?

Answer. I think not.

20. Did they generally work as many hours in the day?

Answer. I think not.

21. What time did they generally commence in the morning, and what time did they quit in the evening?

Answer. They commenced about the same time the neighboring farmers did, but quit earlier.

22. Did they have as many and as long recesses during the day as the neighboring farmers?

Answer. I think they had more and longer; recess at 9 o'clock about 30 minutes, and a recess at 3 o'clock of one hour, and at noon from an hour to an hour and a quarter.

23. What has been the reputation of the Society for peace, propriety of conduct, and submission to the laws?

Answer. Good.

24. Have you been acquainted with Geo. Rapp, Frederick Rapp, and R. L. Baker.

Answer. I have.

25. What has been their reputation for honesty, integrity, and truth?

Answer. Good.

26. Do you recollect the names of the persons who worked in the hatter shop at Economy, between the years 1836 and 1846?

Answer. Joshua Nachtrieb, the complainant, was one; I am not sure about the years; there were others there I know, but I did not know the years.

27. Do you think the number averaged more than two, from 1832 to 1846?

Answer. I cannot tell.

(The complainants' counsel here excepts to the interrogatories relative to the character and conduct of the members of the Society, as irrelevant, and not having anything to do with this inquiry.)

Cross-examined by Complainant's Counsel.

1. Question. Have you not been a witness before in this case on the part of the defendants?

Answer. I have.

2. Were you acquainted with the Economy Society previous to 1829?

Answer. I was.

3. To what extent.

Answer. To a considerable extent—buying from them and selling to them.

4. What was the condition of the lands at Economy when the Society moved there in 1824—were there any buildings upon it, and what part of the land was cleared?

Answer. There were some buildings, and some land cleared in several places. There was no buildings then where the town now is—it was a thick forest. I think there was cleared in all, over 400 or 500 acres.

5. How did the labor of the Society, during the first six years after their location at Economy, compare with the labor of later periods. Was it harder or easier?

Answer. I think it was harder.

6. In what years was the forest, of which you speak, cleared, and the village of Economy built?

Answer. I think in the years 1824 and 1825.

7. What kind of houses were at first built, and were there a sufficient number for the entire Society?

Answer. The first was principally log houses, and afterwards frame houses were built and brick. I think there were a sufficient number; there were some shanties put up.

8. Was there much clearing done between 1824 and 1830?

Answer. There was a good deal. A great deal of it done by the hiring of the neighbors around.

9. Did not the then state of the Society, and the condition of the land, require a good deal of hard labor in order to put the lands in a proper state of cultivation, and to make the improvements which were made?

Answer. It required, as a matter of course, hard labor.

10. How many hours per day were the Economites in the habit of working during those years?

Answer. I could not say.

11. Did you ever work there yourself?

Answer. No, sir.

12. When you speak of their having recess at 9 and 3, half an hour in the forenoon, and one hour in the afternoon, to what portion of the laborers do you intend to apply these remarks, to farmers, or the mechanics?

Answer. To all.

13. How long have they been in the habit of having recess in the afternoon of an hour at the shops?

Answer. I do not know. It is my understanding that they eat and drink there at that hour, almost ever since they commenced.

14. At what hour did they dine?

Answer. At 12 o'clock.

15. And then they eat and drank from 3 o'clock to 4, did they?

Answer. They eat and drank, and sat and conversed, and rested.

16. At what hour in the morning, during the spring, summer, and fall seasons, did labor commence at Economy?

Answer. I think for a few years they commenced at 5½ o'clock, from 1824 or 1825 to 1832, according to my recollection.

17. At what hour, during the same years, did labor cease at Economy in the evening?

Answer. I think about 5 o'clock.

18. What recesses had they besides the 9 and 3 o'clock recesses?

Answer. Breakfast bell rang at 6½ o'clock, and I could not tell how long the recess, as no bell rang to go to work. At a quarter before twelve the bell rang for dinner, and a quarter before one it rang to go to work.

Adjourned to meet at 2 o'clock.

Thursday Afternoon, August 25, 1853.

Parties met. Examination of Mr. Irons resumed.

19. Did you not buy some fine hats at Economy from Nachtrieb?

Answer. I bought one or two, the finest they had.

20. Did they sell any hats to the country trade?

Answer. I think they did. That was their principal business.

21. You stated in your examination in chief, that the buildings were worth 70,000 dollars. At what time were they worth that sum?

Answer. In June, 1846.

22. How do you arrive at that estimate?

Answer. By being acquainted with the buildings, and examining each one separately. By a list of the buildings. I am a carpenter by trade.

23. When did you examine that list?

Answer. I examined it twice. Once last fall, and lately again.

24. When was it you examined it lately again?

Answer. A few days ago. I do not remember what day.

25. At whose request, and in whose presence?

Answer. In the presence of Mr. Baker and Mr. Henrici. I do not know that I was requested at all. In the counting-room of Mr. Baker the list was laid down on the table, and I was asked if I had ever saw that list before?

26. How do you arrive at the value of all the building as you have given it? State particularly the value of each building.

Answer. It was by having a knowledge of them, and seeing the most of them put up; and I had the list in my possession some three or four days last fall, I think it was.

27. What list do you refer to, and by whom was it made out?

Answer. I refer to the list handed me by Mr. Baker. I do not know by whom it was made out. I think it was copied by him. It was in his handwriting.

28. Will you undertake to say that all the buildings in the town of Economy, as they were in 1846, could have been erected for 70,000 dollars?

Answer. I think they could.

29. You say you are a carpenter by trade. Do you follow that business now very extensively?

Answer. I do not.

30. How long since you ceased to follow it actively?

Answer. 8, 9 or 10 years.

31. What business have you been engaged in since that time?

Answer. Various business. I have been doing some carpentering, selling coal at Economy and other places, buying wheat and selling it, &c., and farming.

32. Have you not had considerable dealings with Mr. Baker?

Answer. I have.

33. You stated in your examination in chief, that you had formed the opinion of the complainant, that he was a good, honest workman, not of the finest work. Was there any of what is the finest work manufactured at Economy?

Answer. I think there was not. I think I bought a silk hat there from the complainant. I think he told me it was Economy silk.

34. In your examination in chief, you have stated that the reputation of the Society for submission to the laws was good. What laws do you refer to, human or divine?

Answer. To human laws.

35. How did the Society obey the divine laws?

Answer. I cannot tell.

36. In how far did the Society submit to the law promulgated by the first book of Moses, chapter 1st, verse 28th, which says: And God blessed them, and God said unto them, be fruitful, and multiply and replenish the earth?

Answer. There has been no increase there, that I know of, in that way.

37. Were you in the habit of visiting Economy, during the earlier years of its existence, very early in the morning, or staying there over night?

Answer. I have been there at almost all hours, ever since they came there; frequently staid over night.

38. Were not the members very industrious, and provident for their application to labor?

Answer. They were and are industrious.

(Defendant's counsel excepts to the question, as to their not obeying the Divine law, as irrelevant.)

JAMES IRONS.

James Buckley, Esq., sworn.—1. Question. Where do you reside?

Answer. In Economy township, about two miles from the town.

2. What has been your occupation?

Answer. A carpenter.

3. How long have you resided in Economy Township?

Answer. In what is now Economy Township since the year 1813.

4. Were you acquainted with the lands of the Economy Society, in June, 1846?

Answer. Yes.

5. What do you think was the average value, in cash, per acre, of those lands at that time, independent of the buildings?

Answer. About 40 dollars.

6. What do you think the buildings were worth at that time?

Answer. From 73 to 75,000 dollars.

7. Were you well acquainted with the buildings?

Answer. Yes, sir.

8. What did farmers generally pay good hands per year, from 1819 to 1828, for working on the farm, the employer finding board, washing, and lodging?

Answer. I cannot say.

9. Have you visited Economy frequently?

Answer. Yes, sir, latterly; not in the early part, but since 1835 or '36 I have to the present time.

10. From 1835 to 1846, do you think that they performed more labor than the neighboring farmers, engaged in similar employments?

Answer. About the same. I should say as hired men.

JAMES BUCKLEY.

Timothy B. White, sworn.—1. Question. Where do you reside?

Answer. In New Brighton, Beaver County, Pa.

2. What has been your employment?

Answer. Carpenter and builder.

3. Have you examined the buildings at Economy?

Answer. I have.

4. What, in your opinion, were they worth in June, 1846?

Answer. About 55,000 dollars.

5. What, do you think, was the average value of the lands at that time, per acre?

Answer. I could not say.

Cross-examined by Complainant's Counsel.

1. Question. By what means of calculation do you arrive at the value of the buildings?

Answer. I made out a bill of items of each building, and estimated the value of each building.

2. At whose request?

Answer. At Mr. Baker's.

3. According to your calculation, the cost of building the town of Economy was 55,000 dollars.

Answer. I did not answer that way. The question put to me was, what they were worth in 1846, and I said they were worth 55,000 dollars. I took their statements for the cost of timber in 1824 and 1825, which was five dollars per thousand, shingles at $1\frac{50}{100}$ dollars, frame timber in the same ratio, and estimated the first cost at 75,000 collars, and made a deduction for unoccupied buildings, and depreciation in the value of the whole $20,000, and that left the amount 55,000 dollars. They were put up in a very cheap way.

T. B. WHITE.

Edward Hoops, sworn. 1. Question. Where do you reside, and how long have you resided there?

Answer. In New Brighton, Beaver County, since 1802.

2. What has been your occupation?

Answer. I have been for the last nine years, selling lands for others.

3. Please state whether you are well acquainted with the prices of land in that section of the country?

Answer. I have sold about $200,000 within that time.

4. Have you examined the buildings at Economy?

Answer. In May of 1852, I did.

5. What, in your opinion, was the value of those buildings in June, 1846, in cash?

Answer. The conclusion that I come to, they were worth between 49 and 50,000 dollars.

6. Are you acquainted with the lands of the Economy Society, containing some 3000 acres?

Answer. I have some knowledge of them. I examined them in May, 1852.

7. What, in your opinion, was the average value per acre, of those lands in June, 1846?

Answer. The conclusion that I arrived at, from estimating the different tracts, was $38.

Cross-examined by Complainant's Counsel.

1. Question. At whose request did you make such examination and valuation?

Answer. At the Society's, through Mr. Baker.

2. For what purpose?

Answer. For the pur pose of giving testimony here, I suppose.

3. With whom did you make the examination?

Answer. With Mr. Stow, of Sharon, and Mr. White, as to the buildings. Mr. Stow more particularly as to the land.

4. Were you intimately acquainted with the Economy lands, prior to May, 1852.

Answer. No, I cannot say, that I was, except that part through which the road passes.

EDWARD HOOPS.

Hiram Stow, sworn. 1. Question. Where do you reside, and how long?

Answer. I reside in Sharon, Beaver County, and have lived there from 1818.

2. What is your occupation?

Answer. Merchandising most of the time.

3. Have you examined the buildings at Economy?

Answer. I examined part of them, not all of them.

4. Have you examined the land?

Answer. Yes, sir.

5. What, in your opinion, was the average value per acre of these lands in June, 1846?

Answer. About $38 per acre.

6. What, in your opinion, was the value of the buildings at that time?

Answer. I am not competent to form an opinion. In my young days I worked at the carpenter business some; I noticed that the buildings were got up in a cheap manner.

Cross-examined by Complainant's Counsel.

1. Question. How do you arrive at the value of $38 per acre as the value of the land?

Answer. The land is classed, and from the knowledge I had of land being bought and sold in the neighborhood at that time.

HIRAM STOW.

Christopher L. Magee, sworn.—1. Question. Where do you reside, and what is your employment?

Answer. I reside in Pittsburgh, and am a hatter.

2. How long have you been a hatter?

Answer. Since 1824.

3. Have you ever been in the hatter shop at Economy?

Answer. I was once there; that was in 1832 or 1833.

4. What kind of work, coarse or fine, was done there at that time?

Answer. Principally coarse work. Wool hats.

5. What do you think would be the value of complainant's services to the Society in that kind of work, per annum, the Society finding board, clothing, lodging, washing, and all other necessaries?

Answer. It would require a pretty good man to be worth from $120 to $130.

Cross-examined by Complainant's Counsel.

1. Question. How much could an industrious journeyman hatter make per week, say between the years 1832 and 1846, he working by the piece, and averaging twelve hours per day, common and medium hats, and some fine hats?

Answer. The fastest workmen in wool would be from $4 to $6 per week. Mr. Consulman came from Economy; worked a considerable time for my uncle, and he preferred what hatters call cutting and pulling, to working in wool hats, because it was easier, and he could make about as much wages. He made about 4\frac{50}{100}$ to $5 per week, and was very industrious.

2. Do you know anything about complainant's ability as a hatter?

Answer. I do not?

3. When you speak of wool hats, do you mean merino or common wool hats?

Answer. I mean all kinds of wool, both merino and common.

4. How much less wages ought a man to get, if, in addition to his working as a journeyman, he likewise acted as foreman and boss, and had charge of the shop?

Answer. Persons, who are employed as foremen, are employed at so much per week. The foreman my uncle had, got $7 per week; he was a first rate workman. Journeymen got sometimes higher wages than foremen.

5. Do you know, of your own knowledge, the extent of hat business carried on at Economy previous to 1846?

Answer. I do not, besides what I have stated; they come up to sell wool hats.

6. Do not the earnings or wages of hatters very much depend upon his intelligence, if he has charge of the shop, and his skill and industry?

Answer. Yes, sir.

7. Did you ever work with complainant, or are you acquainted with him?

Answer. I did not, nor am I acquainted with him.

8. Do you know how many hands were employed at Economy?

Answer. I do not.

9. When you say it would require a pretty good man to be worth from $120 to $130 per annum, do you mean to say he could lay up that much after paying his boarding, clothing, &c.?

Answer. It would be a good man that could lay up that much after paying his expenses.

10. How much would you allow for board per year?

Answer. $2 per week.

11. How much for clothing?

Answer. $50 per year.

12. Washing and incidental expenses?

Answer. About $26. After paying this I do not think he could save over $120 or $130 a year.

Re-examined by Defendants' Counsel.

1. Question.—How many persons did your uncle generally employ in his shop, when Dobbins was foreman?

Answer. Four apprentices and six journeymen, making ten in all.

2. Did he make fine work, and make sale of it at the shop?

Answer. Yes, sir, but they made the sales at the sale shop; Dobbins was not there.

3. Did he, Dobbins, instruct the apprentices and direct the journeymen?

Answer. Yes, sir. It is the foreman's business to direct the journeymen and instruct the apprentices.

4. If there was but one person in the shop with the complainant at Economy, and he, the complainant, was supervisor, would it require much bossing at his hands?

Answer. No, sir.

C. L. MAGEE.

Friday, August 26, 1853.

Met pursuant to adjournment. Present T. Umbstaetter, Esq., for complainant, and Messrs. Loomis and M'Candless for respondents.

Dr. William Addison, sworn.—1. Question. Where do you reside, and how long have you lived there?

Answer. In Pittsburgh, and have lived there, with some intervals, during my whole life.

2. Have you been acquainted with George and Frederick Rapp, and are you acquainted with R. L. Baker, and if yea, state what was the reputation of the Rapps, and what is and has been the reputation of R. L. Baker, for integrity, veracity, and propriety of conduct.

Answer. I knew George Rapp so little that I have no opinion on the subject. I knew Frederick Rapp very well: I attended him in a long and dangerous sickness. Mr. Baker I know very well. The reputation of Frederick Rapp and R. L. Baker has been without reproach.

3. How long have you known the Economy Society?

Answer. In round numbers about 25 years.

4. What has been the reputation of its members for propriety of conduct?

Answer. On the score of morality, greatly above the mass, I think.

Cross-examined by Complainant's Counsel.

1. Question. Did you ever examine the business affairs of the Harmony Society?

Answer. No.

2. Do you know by whom and in what manner the affairs of said Society with its members have been conducted and managed?

Answer. I do not know the internal affairs but the external only.

W. ADDISON.

Rev. Wm. A. Passavant, sworn.—1. Question. Where do you reside, and how long?

Answer. I have lived in Pittsburgh upwards of 9 years.

2. Were you acquainted with George Rapp, Frederick Rapp, and are you acquainted with R. L. Baker, and if yea, state what has been their reputation for integrity, veracity, and morality?

Answer. I have been acquainted with all those persons, and their reputation for integrity, veracity, and morality, is in the highest degree unexceptionable.

3. How long have you known the Economy Society?

Answer. Upwards of 25 years.

4. What has been the reputation of its members for order and morality?

Answer. They have been distinguished for their peaceful, honest, and correct lives.

Cross-examined by Complainant's Counsel.

1. Question. Have you ever had occasion to examine the manner in which the business transactions of said Society with its members have been conducted?

Answer. Not officially, but indirectly through those who have.

2. Do you know by whom the fiscal affairs of the Society have been transacted, as between it and its members, since the organization of the Society?

Answer. Yes, sir.

3. By whom?

Answer. First by George Rapp, afterwards by George Rapp in connection with Frederick Rapp, and since by R. L. Baker.

4. Did you ever yourself examine the financial condition of said Society in detail?

Answer. No, sir.

W. A. PASSAVANT.

Frederick Lorenz, sworn.—1. Question. Where do you reside, and how long?

Answer. In Pittsburgh, 41 years, or thereabouts.

2. Were you acquainted with George and Frederick Rapp? are you acquainted with R. L. Baker, and if you are, what has been their reputation for integrity, veracity, and morality?

Answer. I was not much acquainted with George Rapp, but very well acquainted with Frederick Rapp, and with Mr. Baker. I always considered their character for integrity, veracity, and morality as unexceptionable. Frederick Rapp, some time in the latter part of his life, took a drink, but he was upright, kind-hearted, benevolent, and a man of honesty and integrity.

3. How long have you been acquainted with the Economy Society?

Answer. Since they came to Economy.

4. What has been the reputation of its members for order and morality?

Answer. For morality it was good and peaceable and inoffensive.

Cross-examined by Complainant's Counsel.

1. Question. Do you know anything about the financial condition of said Society?

Answer. I do not.

2. Have you had any occasion to examine the books and accounts, so as to ascertain in what manner the same had been kept as between the Society and its members?

Answer. I have not.

F. LORENZ.

George Darsie, sworn.—1. Question. Where do you reside, and how long?

Answer. In Allegheny, for the last 20 odd years.

2. Were you acquainted with George Rapp and Frederick Rapp, and are you acquainted with R. L. Baker, and if yea, state what has been their reputation for integrity, veracity, and morality?

Answer. I had no acquaintance with either of the Rapps; I have known Mr. Baker for many years; I have never heard his character in any respect impeached; I have always esteemed him a peaceable, upright, and honest man.

3. How long have you known the Economy Society?

Answer. I have known them by transient visits, for upwards of twenty years.

4. What has been the reputation of its members for order and morality?

Answer. I have always heard it accorded to them of being peaceable, orderly, and law-abiding.

Cross-examined by Complainant's Counsel.

1. Question. Did you ever examine or investigate the internal affairs of said Society?

Answer. I never did—I have no knowledge whatever on the subject.

2. Do you know of your own knowledge, how and by whom the books and accounts of the Society, as between itself and its members, were kept since its organization?

Answer. No, sir.

3. You have no means of judging, then, from actual experience, as to the correctness or incorrectness of the accounts of said Society, so far as the same relates to its internal affairs?

Answer. I have not.

GEORGE DARSIE.

Gen. William Robinson, Jr., sworn.—1. Question. Where do you reside, and how long?

Answer. In the City of Allegheny, all my life.

2. Were you acquainted with George and Frederick Rapp, and are you acquainted with R. L. Baker, and if yea, state what has been their reputation for integrity, veracity, and morality?

Answer. I have known old Geo. Rapp personally, but not so intimate as with Frederick Rapp and Mr. Baker. I have known them since the organization of the Society in Butler County. I have always regarded Mr. Geo. Rapp, Mr. Frederick Rapp, and Mr. Baker as men of the highest integrity and truthfulness. I have had transactions with Mr. Baker, and I would be willing to take his word for anything he would promise. Mr. Baker is an exact man in his dealings, and requires the bargain to be complied with on both sides.

3. How long have you known the Economy Society?

Answer. Since its organization.

4. What has been the reputation of its members for order and morality?

Answer. The reputation of its members for order and morality, I consider as the most striking illustration of a virtuous community, I

have ever known in the United States. As peace-loving, truth-loving, and self-denying, they live without ostentation, plain and humble before the world.

Cross-examined by complainant's counsel.

1. Question. Did you ever examine or investigate the internal business affairs of said Society?

Answer. I never had occasion to investigate them.

2. Do you know of your own knowledge, by whom and in what manner the books and accounts of said Society, as between itself and its members, have been kept since its organization?

Answer. I do not.

3. Do you know the value of its property, and its annual profits since 1819?

Answer. I do not.

W. ROBINSON, Jr.

John Snyder, sworn. 1. Question. Where do you reside, and how long?

Answer. In Pittsburgh since 1815.

2. Were you acquainted with George and Frederick Rapp, and are you acquainted with R. L. Baker, and if yea, what has been their reputation for integrity and morality?

Answer. I became acquainted with George Rapp between 28 and 29 years ago, and with Frederick Rapp about the same time—I think I knew him occasionally before that. I have known Mr. Baker a number of years—I am well acquainted with him. I would take Mr. Baker's word for any sum of money that he might name, just as soon as I would his bond (casualty of death excepted). Their reputation for integrity, veracity, and morality, is good; not only comparatively good, but better than most men I meet with in transactions.

3. How long have you known the Economy Society?

Answer. From they came to Beaver County.

4. What has been the reputation of its members for order and morality?

Answer. I consider them perfectly good. I consider them as a religious body, and their morality never questioned.

Cross-examined by complainant's counsel.

1. Question. Did you ever examine or investigate the business affairs of the Society?

Answer. No, sir, I never did.

2. Do you know the value of its property, or its annual profits since 1819?

Answer. I do not.

3. Have you the means of knowing by whom and in what manner

the books and accounts of said Society, as between itself and its members, have been kept since its organization?

Answer. I have not. I never saw their books—of course I could not.

JOHN SNYDER.

(The complainant's counsel excepts to all the foregoing testimony of the last six witnesses as irrelevant, the character of Geo. and Frederick Rapp and Mr. Baker, for integrity, veracity, and morality, and the character of the Economy Society, for order and morality, not being a subject for investigation before the Master, and not having been called in question by the proceedings before him.)

Adjourned to meet on notice to the parties.

Close of testimony taken by Master and Commissioner, and submitted with his report hereinbefore set forth.

JOSHUA NACHTRIEB
v.
ROMELIUS S. BAKER et al.
} No. 28 of November Term, 1849. In Equity.

Copy of decree rendered at the May Term, 1855, of the Circuit Court of the United States, for the Western District of Pennsylvania, by said Court.

JOSHUA NACHTRIEB
v.
ROMELIUS S. BAKER et al.
} In Equity.

And now, to wit, at the present term, came the parties, and this cause being heard upon the report of the Master, and testimony and exceptions, and the Court being fully advised in the premises, do find the law and equity to be with the complainant. It is thereupon ordered, adjudged, and decreed, that the defendants pay to the complainant the sum of ($3,890) three thousand eight hundred and ninety dollars and the cost of this suit within thirty days from the rising of the Court, and in default thereof that execution issue therefor. Thereupon, the defendants pray for an appeal to the Supreme Court, which is allowed.

Which said appeal was allowed in Supreme Court on the respondents giving good and sufficient security according to law, to prosecute their appeal to effect and answer all damages and costs, if they fail therein.

I, Henry Sproul, Clerk of the Circuit Court of the United States, for the Western District of Pennsylvania, do hereby certify that the security required by the Court under the foregoing order, decree, and appeal, in the penal sum of twelve thousand dollars, has been duly entered and approved by the Court.